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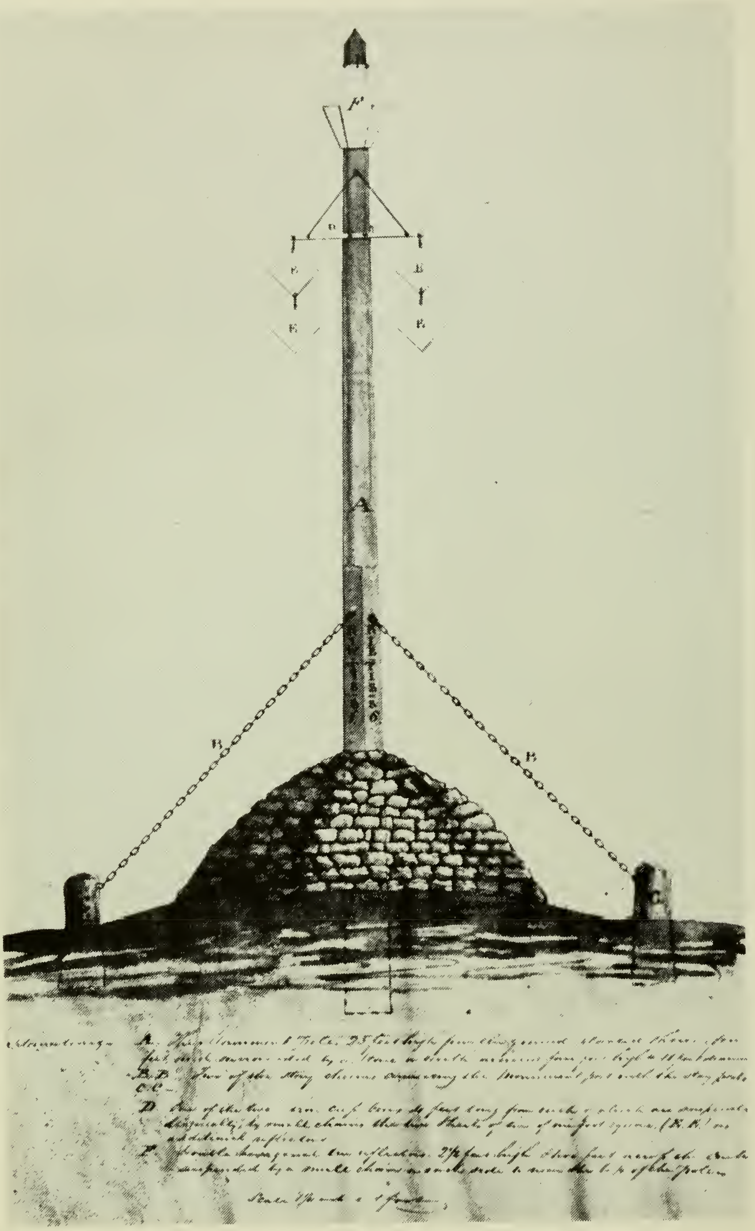
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MONUMENT FOR SAN BERNARDINO BASE AND MERIDIAN LINES.

(Details of construction given on pages 11-12 of text.)

Initial Monuments for California's Base and Meridian Lines

By GERTRUDE K. BROWN

PRIOR TO the gold rush of 1848-49 to California, land had been held by rancheros in large tracts or ranches under Spanish and Mexican land grants. The mineral-boom period found the rancheros building two-story adobe houses and equipping them with elaborate furnishings, in an effort to prove that they had good title to their property. Arrivals of Americans from the east hastened their efforts. But the old order was destined to change, and the immense ranches were being broken up into medium and small-sized holdings. Instead of reiterating the background of the early settlers and their mode of life, I wish to dwell on the warp and woof of the pattern of our checkerboard lands and the changes brought about to protect the holdings of the ever-increasing number of California pioneers, as well as the claims of the settlers preceding them.

After California was admitted to the Union in 1850, as a state, a board of land commissioners was appointed by congress to segregate the privately-owned land (Mexican land grants, largely) from the public domain. Many legal entanglements resulted, requiring not only decision by the board of commissioners, but also lengthy, costly litigation in the courts. It was not easy to prove title to a rancho. The grants from the governors, the maps and other evidence of possession were very crude and vague, the boundaries of the tracts difficult to define. An oak tree or possibly a skull set in a tree might serve as a monument. Official papers bearing on each case were called "expedientes," and are now on file in the national archives and records service of the general services administration, Washington, D. C., and in the U. S. district court for the northern district of California at San Francisco.

After a ranchero's title had been confirmed by the board and the court, a survey was made under instructions from the U. S. surveyor general of California. Following this action, the United States issued a patent or deed to the successful claimant.

Surveys are made for various purposes, but we are chiefly concerned with the determination of land areas and the fixing of boundary lines. The service now handling such surveys bears the title of cadastral engineering branch of the bureau of land management of the department of the interior. The bureau of land management was originally known as the general land office.

A cadastre is an official register of the quantity, value, and ownership of real estate, used in apportioning taxes. A cadastral survey is one for the purpose of making a cadastre; hence it is made on a large scale.

Surveying, of course, is not one of the newer methods of marking land. As early as 2800 B.C., the Egyptians oriented the "Great Pyramid" quite accurately with respect to the true meridian. Then followed the Greeks and Romans with their dioptra and groma, respectively, surveying-instruments developed for such purposes. Gen. George Washington was one of our earliest surveyors; along with Thomas Jefferson, he was classed as a surveyor of skill. Abraham Lincoln was a very early homesteader of public land in Illinois; and we are told that throughout the west the buffalo ran the first survey lines or trails. (The buffalo head has long been used as mascot or insignia on the interior department stationery.)

In the United States, surveys are either public or private, and are made by metes-and-bounds or legal subdivisional description. The general land office, created in 1812, provided for the rectangular system of surveys subdividing the land into townships 6 miles square by lines running due north and south and by others crossing them at right angles. The townships were further subdivided into sections a mile square or 640 acres. There are 6 tiers of 6 sections each, in a regular township. This system of townships and ranges and sections was devised by Lieut. Col. Mansfield in 1803. The townships were to be marked on the ground of the public lands of the United States for disposal and administrative purposes. Since 1849, the surveying division of the U. S. interior department has surveyed a large portion of the public lands in the states west of the Mississippi River with a few exceptions, as, for instance, the state of Texas.

In speaking of surveying, very few know and realize the importance of a survey corner — a section corner — or its subsidiary, a quarter-section corner. And of even greater importance is the township corner. In settling boundary disputes, it is the corner on the ground that governs.

The *Bible*, Proverbs 22:28, contains instructions relative to surveys;

e.g., "Remove not the ancient landmark which thy fathers have set." And, to make it more impressive, it is repeated in the 10th verse of Proverbs 23: "Remove not the old landmark." And the ancient practice continues today.

From 1850 to the present, many changes have been made in the types of corners set in the ground, from a quart of charcoal; a wooden stake, 4 inches in diameter, 2 feet long, set 2 feet in the ground; to the present-day iron posts with brass caps plainly marked. To determine the proper position for the setting of section and township corners, it was necessary, as a background and starting point, to fix certain governing bases and meridians. In the state of California, three of these have been established, namely, Humboldt, Mount Diablo and San Bernardino, covering the northern, central and southern areas, respectively.

The original establishment of the respective monuments for the governing base and meridian initial points, should be of general interest to those concerned with the early surveys and kindred subjects. A transcript of the record field notes of the surveyors who made the original surveys under instructions of the U. S. surveyors general of California is given in full, together with brief sketches of the men most instrumental in the prosecution of this fundamental establishment of the initial points. Copies of the field notes and township plats of surveys and resurveys for the state of California are on file in the office of the director, bureau of land management, interior department, Washington, D. C. Many valuable records of survey notes were destroyed in the San Francisco fire of 1906, but duplicates of all such records were on file in the Washington office.

Mount Diablo (Devil) Peak, in Contra Costa County, is 3869 feet above sea level,* and is approximately 32 miles east of Oakland, Alameda County. There is a road to the summit.

San Bernardino Peak is 10,630 feet in elevation. Forest Home village or town is nearby, and the city of San Bernardino lies approximately 22 miles to the west.

Humboldt monument is on the top of Mount Pierce. This peak was named for Franklin Pierce, who was president of the United States at the time the initial monument was established. The town of Scotia, on Eel River, is a few miles to the north. Elevation of Mount Pierce is 3188 feet.

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*Elevations are taken from the quadrangles of the U. S. geological survey.

ESTABLISHMENT OF MOUNT DIABLO INITIAL MONUMENT

San Francisco, California.
September 20, 1851.

To Saml. D. King, Esq.,
Surveyor General of the United States,
for the State of California.

Sir:

Agreeable to your instructions, dated July 8, 1851, which required among other things that "an east and west *base* and north and south *Meridian* line, be run and established, passing through the most prominent peak of Mount Diablo," I have attended to the duties assigned me, and herewith report to you the result of our survey, together with the field notes thereof.

Having made the necessary purchases of provisions, tools and camp equipage, and hired three men, we left San Francisco July 11th. on the afternoon boat, and landed in Benicia that evening.

Major ——— Allen of the Quartermaster's Department, stationed at Benicia, having kindly offered to furnish me with such horses, mules and vehicles belonging to the United States, as we might need, and that were not in immediate requisition for the use of the troops, we made the necessary arrangements on Saturday, and on Monday having hired two additional men, making the party six in all, as soon as the tide permitted, we embarked in a small sailing vessel, crossed the bay, and passed up a creek about 8 miles, when we made a landing at a place called the "Embarcadero." From this place we conveyed our camp equipage to Bishop's[?]* Ranch, near the foot of Mount Diablo on the west side, where we encamped.

On Wednesday we moved our camp as far up the mountain as our teams could go, which was about one third the distance, having stored the greater portion of our provisions at Mr. Bishop's[?] to be called for as we might need them.

The next day, having provided ourselves with the necessary tools and instruments, we ascended the mountain on foot. The day being exceptionally hot, the thermometer standing at full 100 in the shade, we suffered very considerably from heat, and some from the want of water, which we were deprived of for more than seven hours, there being no water, contrary to our anticipations, further up the mountain than our camp.

Arriving at the summit of the mountain we were fortunate in finding a very prominent, narrow and precipitous "Hog-back" ridge, running up to a point at the extreme east, and then falling off rapidly several hundred feet on the sides, as well as the end. At this extreme point, which is very apparently the highest point, we found a prominence of solid rock, not unlike a small "hay cock," in the top of

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*Identification of names mentioned has not been possible in all cases. H. H. Bancroft, *History of California* (San Francisco, 1886-90), VI, 9-11, lists many early residents in this area; see also *History of Contra Costa County* (San Francisco: W. A. Slocum & Co., 1882), p. 197.

which we excavated a hole nine metres deep and six metres square as *the point* through which to run on east and west base, and north and south meridian line. Having searched in vain, on the mountain, for a stick suitable for a flag staff, and being in a famishing condition for the want of water and our dinner, at 4 P.M., we descended the mountain to our camp.

Friday, July 18th. Having provided ourselves with materials for a flag staff at Bishop's[?] Ranch at the foot of the mountain, and with a horse and two mules we ascended the mountain again, constructed a staff and flag from the materials taken up, which we erected in the hole on the point of the rock, in the manner specified in our extended notes of survey, and also took bearings to three other prominent but lower rocky points which we marked. There can be no possible difficulty "in all time to come" in searching out and easily finding the prominence.

Profile of extreme point of Mountain looking to the East and Plan of the position on top of the mountain.

From the top of this mountain a beautiful prospect is opened before you.

Looking east and north, you trace the San Joaquin and Sacramento Rivers winding their way through extensive valleys skirted by "Tulan" swamps or marshes which are cut up in every imaginable form by "Arroyos" or inlet creeks. Passing the eye further north and east, from 12 to 15 miles distant, you have a full view of the junctions of those rivers and the several islands interspersed, also the Suisun Bay and the lofty pointed and picturesque mountain ranges surrounding it on the north and west. Further west you have a full view of Benicia, and the military and naval depots of Martinez, and the high lands and bay adjacent to the Capital of the State. Looking west you have a distant view of the beautiful Bay of San Francisco extending to the entrance of the "Golden Gate," and a little south of west the islands and shipping in that part of the bay fronting the City, some 30 miles distant. Near the foot and spurs of the mountains you see on the east the valley called [John] Marsh's Ranch spread out before you. On the north the plain on which New York of the Pacific, and Antioch are situate. Northwest and west the Pacheco valley extends some 15 miles from north to south and form a fine plain from east to west. Portions of this plain, and in fact nearly all of it, have the appearance of being susceptible of a high state of cultivation. At a distance of seven miles west of the mountain this valley is broken by spurs of ridges, and narrowing from 1½ to ½ mile in width, it extends in a southeast direction until it reaches Amido's Ranch, about 12 miles south of the mountain. Here the valley turns abruptly to the east and spreads out to 4 or 5 miles in width, and extends 12 to 15 miles east from Amido's [J. M. Amador's?] house. These valleys and the ravines and hills surrounding them are mostly covered with thick set wild oats, growing from 4 inches to as many feet in height. Even Mount Diablo has a covering of wild oats extending to near its summit. These wild oats afford abundant pasturage to the extensive droves of cattle and horses that are scattered abroad

(Establishment of Mount Diablo Initial Monument, continued)

over this magnificent range, and, also, to herds of elk, antelope and deer that abound here. One herd of elk that we saw on the mountain numbered at least 200.

It may be proper here to remark that Mount Diablo, so called, consists of two prominences, or ridges, separated from each other at their top from 1 to 2 miles by a ravine extending two thirds the way down from the top. The southwestern division being several hundred feet the higher of the two, this highest peak is always intended when speaking of "the mountain."

After establishing and permanently designating the point on the mountain through which our base and Meridian lines were to cross each other, the next question to be decided was how we should extend our lines. From a full and faithful examination of the sides and slopes of the mountain, and the innumerable ridges and spurs extending therefrom, we came fully to the conclusion that lines could not be measured down the mountain in any reasonable time with a degree of accuracy requisite for a work of this kind.

I therefore determined upon moving our camp down the valley to a point south of the mountain, as nearly twelve miles as the nature of the plains would permit. The point of commencement is about 1 mile due east from Amido's [see above] house. After repeated times, having been several times prevented by foggy and cloudy weather, I succeeded in ascertaining the variation of the compass to be 15° 47′ E. I then selected a point due south from the flag on the mountain, which we could distinctly see with our transit, and far enough into the plain to enable me to extend a line due east without obstruction from ridges. From this point, carried a line east, running on the north side of an extensive plain for twelve miles. Opposite 7½ miles and about ½ of a mile to the right passed Severiano's[?] house. Near the 8th mile is a large pear and grape garden belonging to Severiano, which, by irrigation, is brought to a high state of cultivation.

Near the 9th. mile found the variation as at first 15° 47′ E. The western portion of this extensive plain is claimed by a Mexican, or more properly speaking a Californian (as he says he was born in San Francisco some 65 years ago) by the name of Amido, and the eastern portion by an Englishman by the name of [Robert] Livermore, who has resided here, as he says, some 16 years.

This plain and the hills and ravines adjacent produce abundantly in their natural state during a greater portion of the year, and particularly during the wet and rainy season, and by proper cultivation, wheat, barley, and vegetables generally, can be produced abundantly. Only a few acres of it is at this time cultivated, and there we saw as fine oats, wheat, barley, and garden vegetables as you see in the Atlantic states. The soil, though now very much dried and baked for the want of rain, is very black and deep. The owners of this plain, turn their attention almost entirely to the raising of cattle and horses. Mr. Livermore has at this time several thousand head of cattle, and as many head of horses ranging at will over this extensive plain and the ridges adjoining.

(Establishment of Mount Diablo Initial Monument, continued)

The main traveled road leading from San Jose to Stockton passes through this plain, and as the vicinity of Livermore's home is the only place for several miles where water can be obtained, at this season, for man or beast, it is an important camping ground for travellers.

From the 12 mile Station I extended a line due north, and immediately left the valley and passed over a succession of ridges running on a southeast and northwesterly direction, yet very irregular and broken. The valleys between them are seldom more than ½ to 2 chains wide, and the ridges vary from 50 feet to 6 or 800 feet in height above the plain. The ridges for the first mile or two, are formed of upheavals or outcrops of conglomerate, and coarse sand rocks, and very little vegetation covering them. From the 3rd mile the ridges are sandstone, which is rapidly falling to pieces and going to decay, which makes the soil in many cases loose and porous, and the ridges beautifully rounded. On the 4th. mile end, cross a narrow valley some 13 chains wide, with outcrop of sandrock standing several feet above the ground, and many of the points present curious and unique figures. By the disintegration of portions of the rock, cones are formed of several feet in diameter. A sketch of one of these rock projections is here given.

This valley is dotted with a few oaks and buckeyes, resembling an old, irregular and sparsely planted orchard. The ridges continue to the 10th. mile when the line enters a valley from ¼ to ½ mile wide.

On the 7th mile more extensive outcrops of sandstone present themselves, extending along, near the line, for 3/4th of a mile. The strata lies from an angle of 45° to nearly horizontal. A large portion of these rocks are going to decay, leaving numerously rounded boulders of a different material from the rock in which they were imbedded, from 1 to 6 feet in diameter, and almost as perfectly rounded as a cannon ball.

From the 10th. mile the line as run passes along the narrow valley to a point which was ascertained to be due east from the flag on the mountain, which point we found to be 12 miles, 46 chains and 77 links north of our starting point, so that our point of commencement was 46 chains 77 links too far south.

Took an observation of the North Star near this station, and found the variation of the compass 15° 47′ as before. Erected a post and mound, established as the corner to Townships 1 North and South, Ranges 2 and 3 East, on the base line.

From this point a line was extended directly west as the established base line towards the point in the Mountain for six miles, setting section and quarter section posts, and erecting mounds, and at the termination a post with bearing trees marked as the corner of Townships 1 North and South of Ranges 1 and 2 East. This line of 6 miles passes over a series of ridges from 30 feet to near 1,000 feet high, and many of them precipitous. Finding it difficult to extend this line further west, and ascertaining that a line could not be readily measured across the ridges

(Establishment of Mount Diablo Initial Monument, continued)

north, returned to the 12th mile post, and ran a line north across a beautiful and very extensive plain for 5 miles, when we came in contact with thick and high brush very difficult to pass through or even to remove. This extensive plain, and a portion of the ridges is claimed as belonging to Dr. [John] Marsh, who says he has resided here 12 or 14 years.

From this point run a zigzag line west and north, for the purpose of keeping as much as possible in the open plain, clear of brush and the "tulars" [tules] on the one hand, and the ridges on the other. Having passed up this narrow valley, we came on another extensive plain bounded on the one side by the San Joaquin River and Tular [Tule] Swamp, and by high ridges on the other. Passing then along on the southwest side of this plain, arrived at a point which was established as being on the township line between Ranges 1 and 2 East. Then angled north and west far enough to obtain a point from which a west line can be extended across the open plain. Then angled west passing near the town of Antioch, to a point north of the base of the ridges, which was ascertained to be due north from the flag on the mountain. From observation found the variation 15° 44′ near this point. After erecting section post and mound, and establishing this as the *Meridian* line, passed along north on the line one mile, and as far as it could be extended without encountering "tulars and sloughs." From this point continue the work by running north and west diagonally through a narrowed portion of the plain, far enough to pass a spur of the mountain range extending to near Suisun Bay. Having passed this point, another and more beautiful and extensive plain presented itself, usually called Pacheco Valley. The line is now extended along this plain, some eight miles, generally south, where we encountered spurs of ridges with outcrops of sandstone and a mixture of lime, the strata of which stands nearly perpendicular with many rough unshapely points projecting from 3 to 20 feet above the surface of the ground.

In some of these ridges very large oysters are imbedded, the shell remaining perfect, while the oyster is replaced by stone. Immense quantities of other sea shells are imbedded in the same rock. The rock strata is rapidly disintegrating, and it, with the shells, mixing with the soil, renders these ridges and valleys very fertile.

Extending the line by a zigzag course, south and west, accommodating it as far as practicable to the valley between the ridges, we arrived at a point found to be due west from the mountain. Taking an observation the variation near this point was found to be 15° 59′ east. Erected a quarter section post and mound on what was thus established as the base line west from the flag on the mountain, which was here seen plainly. Then ran west on this base line half a mile and erected sectional post and mound and also marked bearing trees. This point is nine miles west of the mountain.

(Establishment of Mount Diablo Initial Monument, continued)

Having now established the four points, south, east, north and west, and run a portion of the lines, passing through the point on the Mountain where the flag is planted, as the Base and Meridian lines, and having necessarily occupied more time than we supposed would be requisite at the commencement of our survey; and being aware of the anxiety you felt in being prepared to place portions of the surveys under contract at an early day, I concluded not to extend this any further for the present, but to return to the south point of commencement, and after making the necessary correction to return to San Francisco.

In accordance therewith removed the camp down the valley near Amido's[?]; measured 46 chains 77 links towards the mountain from our starting point, (this being the surplus of the line measured due north) where we planted a post and erected mounds as corner of the Townships 2 and 3 South on the Meridian line. From this point extended the line ½ mile further on the meridian line, and erected ¼ section post and mound.

Having completed the work assigned in your instructions as far as time and circumstances would admit, returned to San Francisco with our camp and men on the 2nd. day of September, and disbanded the party.

Surveying in California is a different operation in many respects from what it is in the other States of the Union. You meet at the threshold with difficulties, perplexities, and annoyances, that cannot be duly appreciated by any who are not fully initiated.

Your tools, camp equipage and provisions, the hire of the laborers and the transportation of baggage and fare of men, all partake of the inflation produced by the "gold fever."

To make the disparity of prices in this and other States appear more fully, I give a comparison of a few of them.

California prices	*Michigan or Indiana prices*
Axeman and chainman per month, 75 to 100 dollars	13 to 15 dollars
Steamboat fare per mile .05 to .08 cents	1 to 2 cents
Potatoes per bushel, $3.50	25 to 50 cents
Beans " " 4.00	63 to 1.00
Bacon per pound 20 to 25 cents	4 to 6 cents
Oats or barley for horse feed per bushel 4.00 to 5.00	20 to 30 cents
Milk per quart 25 cents	3 to 5 cents
Corn meal per bushel 2.25	25 to 37 cents
Onions per bushel 10.00 to 11.00	50 cents to 1.00

The scarcity of water during this, *the dry* season, was a serious drawback to our operations. We often traveled for miles without meeting with it, and as a consequence we had either to pack or cart it from four to five miles for drinking or cooking purposes, or place our camp at a considerable and inconvenient distance from our work. Wells of water are among the comforts and conveniences that *are to be* in this portion of the state. Running water in creeks or brooks is seldom met with, and the only points, with very few exceptions, where water is to be found is far up the deep "canons" [cañons] or ravines formed by the mountain ranges.

The want of suitable timber for posts proved another serious difficulty, and even where it is found, you seldom met with a limb or branch more than 2 feet in length which was even tolerably straight. As a consequence we had to pack or cart a greater proportion of the posts used in our work for several miles.

The region of country over which we passed in making the survey, has but a small amount of timber of any kind growing either upon the mountain ranges or in the valleys. Seldom did we meet with trees near enough to our line for bearing trees, and where the timber is most dense it resembles in heights and general appearance the old irregular orchards in New York planted by the French before the Revolution. Our line was run for miles without meeting with a tree that it was necessary to mark as coming within the scope of our work, and in fact not half a dozen came *in line* during the whole survey. Even Mount Diablo did not furnish timber from which we could construct a flagstaff. The principal locations for timber are along the sides and beds of streams that afford water during the rainy season, and in a portion of the "canons" or ravines among the mountain ranges. The prevailing wind being north of west, nearly every tree in the valleys, or on the hill sides has bowed before its blast and leans to the southeast. A large proportion of the timber is a species of white oak, yet black and red oak, and occasionally a live oak and buckeye are more or less intermixed, and several other species not recognized, and all varying in character from the trees of the Atlantic States. The white oak is a cross grained, porous and brittle timber, of not much value for mechanical purposes.

The rock strata generally inclines to the northeast and at angles varying from 15 to 90 degrees, though generally it is about 45 degrees. Very little good building stone was observed. The sand rock which forms most of the spurs and ridges from Mount Diablo, is of that character which falls rapidly to pieces by exposure to the atmosphere, owing mainly to a defect in the cementing properties. Lime stone of a good quality is abundant, however, in many places and alternates with the sandstones, occasionally forming a mixed rock. In several places, particularly on the ridges west of Mount Diablo, and the hills skirting the narrow valley connecting the Pacheco and the Amidon[?] plain, the rock strata is literally made up of, or filled with sea shells, some of them large and perfect.

(Establishment of Mount Diablo Initial Monument, continued)

The soil, generally, is very good even to the tops of the hills and only needs proper cultivation and water to make it productive, and taking the region round Mount Diablo as a whole, it is beautiful, picturesque and inviting.

Annexed are some rough sketches of the timber, appearances of the hills, and outcropping of the rocks, which will give a better idea of each than can be obtained from description.

Very respectfully, Your obedient servant,
[Signed] Leander Ransom D.S. [Deputy Surveyor]

ESTABLISHMENT OF SAN BERNARDINO INITIAL MONUMENT

Near Mormon Camp, Los Angeles Co.
California, 10th. December, 1852.

Sir:

As instructions by you, I proceeded to this place, as early as practicable, with a view of establishing a monument on the top of San Bernardino Mountain.

I arrived here on the 30th. of October, and with all my exertions, I could not start for the mountain 'til the 4" Ultimo.

On the 7" I reached the top of San Bernardino Mountain with eleven (11) men. (Mr. Gray, Dept. Sur. accompanying me, making, including myself & those employed, 13 men.) The men being much fatigued, did not perform much service till the next day, – the travel over the mountain spurs being very laborious.

I found the most eligible point for the monument on the 7", and after much loss of time in obtaining a suitable stick of timber for the monument, proceeded to erect the same. The spot on which the monument stands being about 50 links northeasterly of a natural mound of rocks (a permanent & conspicuous point from the valley below), near three pine trees, upwards of 10, 12, & 14 inches in diameter, forming nearly an equilateral triangle about 8 ft. apart, the monument being buried in the earth about 2 feet, & compactly rammed with rock & dirt, forming an enclosure, closely pressed by poles, extending from tree to tree, five (5) feet in height, filled in with dirt & stone, with an outward wall of stone, more than three & a half (3½) feet at the base, & two feet at the top of the wall, to brace the monument on every side, should either of the trees be torn down by storm or decay. The trees mentioned are a hard white pine, such as I never saw, being quite as heavy & as tough as hickory. They were firmly rooted in the ground, and tapering off from the ground to the top, being about 20 feet high. The monument formed of two pieces of timber spliced and braced by three iron bands, 25 ft. 9 in. long, extending from the surface of the earth, 23 ft. 9 in. hewed from the surface 8 by 10 inches on 4 sides, to the distance of 13 feet, and the remainder tapering off to the top 4 inches in diameter. The timber selected was clear of knots, and will doubtless last many years.

(Establishment of San Bernardino Initial Monument, continued)

Before leaving the ground, the tins attached to the cross bars had fallen down, with the exception of one, and there being no swivels at hand, it was found impossible to fasten them in such a way as to stand the heavy blows. I therefore had them securely fastened to the monument.

From the top of the stone wall above described, there was a strong chain, tightly drawn, from each tree, at an angle of about 45° to the staff or monument....

From the monument bears the following conspicuous objects as taken by the theodolite.

1. N. 71° 05′ E., To the top of a peak, about 40 chs. distant, on San Bernardino ridge. Elevation 7° 30′. Apparent height of the peak above the monument 275 feet, covered with hard pine trees of stout size but low.
2. S. 84° 25′ E., To L. oak about 1 mile north of Bald Mountain.
3. S. 76° 55′ E., To Bald Mountain about 5½ miles distant. Elevation 1° 54′. Apparent height above the monument 500 feet.
4. S. 34° 55′ E., To a peak of ridge about 4½ miles distant. Elevation 15′.
5. S. 10° 05′ W., To terminus west of lower ridge, lying south of Mill Creek canon.
6. Course of center of the sun, or distant horizon, at sunset S. 71° 10′ W.
7. S. 50° 50′ W., To highest of two mountain peaks, apparent distance twenty-five miles.
8. N. 71° 55′ W., To highest point of Cajon Pass, apparent distance 30 miles.
9. S. 75° 35′ W., To old Mission building, apparent distance 20 miles.
10. S. 87° 05′ W., To Mormon Fort, apparent distance 23½ miles.
11. The course of sunrise on a distant horizon S. 69° 10′ E.

The variation of the needle was ascertained with as much care as practicable, but the night and position of the ground were not altogether as favorable as I desired. By this observation on the night of the 7th of November, the variation was found to be 13° 35′ East, whilst with all necessary facilities, S. 58° W. about 9 miles from the monument, the variation was found to be 13° 40′ East.

Believing that the necessary fixtures for the support of the tins were all complete, as furnished at your office, I did not perceive the want of *essential swivels,* till the monument was erected, in a strong wind, to test their necessity.

In departing from your instructions in relation to the precise mode of erecting the monument, I acted from the conviction that the mode adopted was the best, and I am satisfied that it did not occur to you when the instructions were issued that the advantage of trees as stays to the monument were the best support. Believing as I do, that you were not aware that trees were to be found on the top of San Bernardino Mountain.

It would have required one or two days longer to have dug down on a bed of rock and planted the monument and posts as instructed, and on account of rock, their *efficiency* might have been questioned.

The mountain range from the monument slopes off in every direction, but after going 2 or 3 chs. to the South, West and North, the descent is very steep, – the place of the monument being much higher than any point to the (except the natural mound previously mentioned about 50 lks. from the monument) SW being its general bearing for about 15 chs., where, from a gradual slope, the mountain becomes very steep. Whilst the general bearing of the mountain range to the eastward is N. 71° 05′ E., about 40 chs. heavily timbered with hard white pine. Had the monument been fixed on any other eligible point to the eastward on the San Bernardino Range, and more especially on the highest peak upon the top of the mountain, it would have required an additional expenditure of several thousand dollars in cutting down heavy timber, – whilst the reflection of shade from the remaining trees would have obscured the distant view. In addition to this view of the case, had such a work been undertaken it could not have been completed on account of the near approach of snow, till the ensuing summer, and thus have delayed the surveying operations nearly one year.

The amount of my account for expenses incurred in erecting the monument being $511, was forwarded to you on the 5th. inst., but although this account *closes the transaction* with the Government, it is nevertheless proper to state that it does not cover *all* the *necessary* expenses incurred in the *prosecution* of this work, but from the charge of economy so rigidly enjoined by you, and the opinion expressed by you that Four hundred dollars was enough to cover all necessary expenses, accounts for my not having rendered a full account of *all* my *necessary* expenditures upon this work, believing as I do, that the account for the above reasons, would not be allowed, or, if allowed, greatly delayed to the prejudice of the public service.

The estimated height of the San Bernardino Mountain above the San Bernardino Valley to the west, is various, from 7 to 9,000 feet, and taking the mean makes it 8,000 feet, which I think a very near approximation, but would make it more than 10,000 feet above the level of the Pacific Ocean.

The San Bernardino Mountain above the monument was considered too rugged to attempt the survey of the Base and Meridian lines from that point, and I was satisfied that the line could not have been measured with the requisite degree of accuracy.

I am, with great respect, Y'r obed't Serv't
[Signed] Henry Washington Dep. Sur. [Deputy Surveyor]

Sam'l D. King, Esq.
U. S. Sur. Gen. of Cal. San Francisco, Cal.

ESTABLISHMENT OF HUMBOLDT INITIAL MONUMENT

San Francisco, California.
8th. Nov'r. 1853.

Sir:

As soon as receiving the instructions from your predecessor, of the 5th of July last, as I was enabled to obtain the necessary facilities, I proceeded to Humboldt Bay, and shortly after my arrival there was furnished with a military escort by the commanding officer at Fort Humboldt, – deemed necessary for my protection against the savages, whilst engaged in the prosecution of my instructions.

I examined the country along the Pacific coast from Humboldt Bay to the Klamath River, – found it chiefly very heavily timbered with thick undergrowth, very broken, cut with deep rugged canons in every direction, and presenting formidable difficulties in running and measuring a meridian. The whole coast from Trinidad to the Klamath River, seems to be a mineral region, the quartz rock being visible all along the coast, and seems to extend some distance into the ocean.

After completing my examination of the country, bordering on the Pacific, with a view of ascertaining the best ground for a meridian, I extended my explorations to the country east of the timbered land, in the section known as the "Bald Hills." Upon careful examination of this section of the country, found it entirely inexpedient to fix the initial point in that region, for the Base & Meridian lines. This tract of country being very broken, cut by deep, rugged canons in every direction, varying from 10 to 160 chains wide, presenting almost insuperable difficulties in triangulations or offsets.

After examining the country known as the "Bald Hills," I returned to Humboldt Bay and examined the country around it thoroughly, – likewise the country to the East & South, toward Eel River, finally fixed upon a very prominent mountain peak on the dividing ridge between Eel & Bear Rivers, as the initial point for the Base and Meridian lines. It has been named Mount Pierce, as a compliment to the President, and the monument, with the materials furnished from your office, was erected on said mountain peak on the 6th. of October, 1853, and is composed of four bars of iron, one inch square, each, joined together by iron bands at the distance of about 22 ft., 19 feet being above ground, where the tin reflectors are attached. (The initial monument for Townships 1 North and 1 South, Ranges 1 East and 1 West, is therefore on Mount Pierce.) Above this is a single iron bar, one inch square and eight feet long, with a flag attached, the whole being permanently braced by seven iron chains, attached to charred posts, firmly imbedded under the surface, and bear from the monument as follows: . . .

1. Bald Mountain Peak on a ridge south of Bear river bears S. 89° 30′ W. about six miles; apparent depression 600 feet.
2. Bald Mountain Peak on the same ridge bears S. 78° W. apparent height above the monument 500 feet, distant about 7 miles.

(Establishment of Humboldt Initial Monument, continued)

3. Bald Mountain Peak on the same ridge bears S. 62° W. about 8 miles – apparent height 500 feet.
4. A high brushy mountain peak bears S. 34° 45′ W. about 16 miles, – apparent elevation above the monument 1,000 feet.
5. A Bald mountain peak bears S. 9° 45′ W. about 4½ miles; apparent elevation 30 feet.
6. A Bald mountain peak, same ridge as the last, bears S. 5° 30′ E. about 7 miles, apparent height 50 feet.
7. High mountain peak bears S. 15° E. about 40 miles, apparent elevation 200 feet.
8. Bald hills bears S. 31° E. about 10 chains. Elevation about 20 feet, above the monument.
9. Mountain Peak bears S. 26° 30′ E. about 60 miles. Apparent elevation 1,000 feet.
10. High mountain peak on a very high ridge, bears S. 39° E. Apparent elevation 2,000 feet. Distant about 80 miles. Apparently heavily timbered.
11. Mountain Peak on the same ridge, bears S. 54° 30′ E. about 70 miles, apparent elevation 1,000 feet.
12. Terminus of the same ridge bears S. 69° E. about 70 miles; apparent height upwards of 2,000 feet.
13. High mountain peak, east of bald hills, near the terminus of the range, bears S. 80° 15′ E. about 50 miles.
14. Bald Peak, on the same ridge with the monument, bears N. 84° 30′ E. – about 160 chs. NOTE: It is about 12 miles east from the monument to the Bald hills.
15. It is about seventy miles east to a high ridge, apparently a bald mountain ridge. NOTE: The general course of the Bear river being a very short stream, from its source to its entrance into the ocean, is about N. 67½° W. and the general course of Eel River, from its source to its mouth is about N. 60° W. The place of the monument being about 5,000 feet above the level of the ocean, and 4,000 feet above Bear River south of the monument.
16. It is N. 52° 30′ E. about 75 miles to terminus westward of a very high range of mountains.
17. It is N. 42° W. about 3 miles along the dividing ridge between Eel and Bear rivers, to high, open prairie, – apparent depression 1,200 feet.
18. N. 12° 30′ W. about 11 miles to the bed of Eel River, running down the same about two miles, leaving the river bearing NW.
19. Bald Peak, on same ridge bears N. 40° W. about 50 chs.
20. Bald Peak, on same ridge bears N. 55° E. about 50 chs.
21. Trinidad point of land, where it strikes the ocean, bears N. 2° 30′ W., not distinctly visible, owing to fog, about 54 miles distant.

(Establishment of Humboldt Initial Monument, continued)

22. At Bald Peak about 800 ft. below the monument bears N. 60° 30′ W. about 8 miles. So far as I have extended my observations over the Humboldt region, with the most reliable information, the heavily timbered country extends from the ridge between Bear & Eel rivers to the Klamath river, (between the Klamath and the Oregon boundary I had not the means of extending my explorations) and is supposed to average upwards of 12 miles in width, about 1-5 of which is adapted to settlement. To the east of the timbered country, the bald hills commence, so much intersected with canons, as already mentioned. The "Bald Hills" country is supposed to be well adapted to grazing, and is, I believe, from 12 to 30 miles wide. The country South of Eel river seems to be of similar character.

My account for expenses, herewith, in exploring the country and erecting this monument, is chiefly for examinations to enable me to fix upon the most eligible site, not only for the intersection of the Base & Meridian lines on the best surface, but with equal regard to the Standard parallel of correction lines, so necessary to be run over the best surface that could be found. This great object has been attained, as near as practicable, in the roughest *habitable* country I ever saw. As a timbered country, the tract described is immensely valuable. The view of the country is very extensive to the North & East from the monument, but to the South is obstructed by high mountain peaks and hills. The variation of the magnetic needle was ascertained with great care on the night of the 3rd. Oct. 1853, in a small prairie, very nearly N. 30° W. about 100 chains from (being the nearest eligible point to the monument) the monument and found to be 16° 50′ E.

It may be well to remark that several celestial observations were taken in my examinations of the country to the north, and from these the variation seems to be increasing towards the north. At the mouth of the Klamath River, the variation was found to be 17° 44′ E. on the night of the 1st. Sept. 1853.

[Signed] Henry Washington
Deputy Surveyor.

Col. John C. Hays,
U. S. Surveyor General,
California.

BIOGRAPHICAL NOTES

Col. John Coffee Hays, a Tennessean by birth and practiced in the art of surveying since his fifteenth year, crossed the plains to California in 1849, after military service under the republic of Texas and in the Mexican War. Early in 1850, Hays was elected sheriff of San Francisco, a position he held until 1853 when Pres. Franklin Pierce appointed him U. S. surveyor-general for California.

Samuel D. King arrived in San Francisco on July 19, 1851, as the first U. S. surveyor-general for the state of California. Two years later he was succeeded in office by Col. John C. Hays. From a letter dated San Francisco, May 21, 1858, to Messrs. Daniel Gibb & Co., it appears that Leander Ransom and King, signers of the letter, were proprietors there of a general land agency, equipped, by seven years' experience in the U. S. surveyor-general's office for California, to handle "any and every department of business involving the possession and disposition of Lands." (Original letter in Calif. Hist. Soc. library.) For King's views on the length of the vara, *see* J. N. Bowman, "Weights and Measures of Provincial California," *Calif. Hist. Soc. Quarterly*, XXX (Dec. 1951), 330-32.

Connecticut-born Leander Ransom came to San Francisco in 1850 at the age of fifty, with several years to his credit as surveyor and engineer in Ohio. Laborious as were his duties in connection with U. S. surveys in California, he became greatly interested in the work of the California Academy of Sciences, founded in 1853 in San Francisco. In 1869 appeared Ransom's and H. J. Doolittle's *A New Map of the States of California and Nevada*, which was published in San Francisco by W. Holt and was said to have been "compiled from U. S. and other reliable surveys."

Aside from what can be gleaned from the reports transcribed above, I have been unable to find any other information on Henry Washington's life and work except a brief statement that the colonel, a member of the U. S. surveying expedition to the Rio Colorado, had arrived in Los Angeles on July 17, 1855, en route to San Francisco; he had put up at the Bella Union Hotel in the southern city, and had been "bombarded with questions about the region lying between the San Bernardino Mountain range and the Colorado. . . ." (Harris Newmark, *Sixty Years in California, 1853-1913*, p. 183.)

An Arboreal Archive

By ALLEN L. CHICKERING

SUMMIT SODA SPRINGS, the name given to some property I own on the North Fork of the American River, is situated in Placer County (Section 9, T. 16 N., R. 15 E., M.D.B. & M.), about ten miles in a southerly direction from Donner Summit. The region has been surveyed by the government twice, once in 1869 and again in 1913.

There is a meadow in front of our house, and between it and the river are the soda springs for which the place was named, and also a number of tamaracs, the colloquial but erroneous name for *Pinus contorta* var. *Murrayana,* the true tamarac being the eastern larch. From time to time it becomes necessary to cut out one of these trees, as was the case in August 1954 with a tree of considerable size. One of my sons and an employee were engaged in sawing it into lengths suitable for firewood, and then splitting the cross-sections with a wedge and a steel maul, when they noticed a circular line, running through the section they happened to be handling, at some distance toward the center; so they started the wedge on this line. As they detached the outer portion of the sawn trunk from the inner, it became evident that the inner was the original trunk and that the outer portion, which had been split off, represented new growth. To their great surprise they observed on the surface of the inner portion an inscription, "A. Anderson, Jly 4, 1869," which looked as if it had been burned into the wood with a piece of hot iron or steel.

It seemed reasonable to suppose that the young men who had made up the surveying party in 1869 had been celebrating the fourth of July by going down to the meadow near the soda springs and cooking and eating their meal there, and that during the course of their stay A. Anderson had burned his name on the outside of the tree. In the years that followed this incident, new growth had made its way around and over the old surface of the trunk, thus preserving the letters and figures of the inscription.

Accordingly I started an investigation into the personnel of the 1869 surveying party by addressing letters to the present county officials, whose records, it was hoped, might possibly furnish clues, and inquiries were also directed to state offices in Sacramento. No results were forthcoming; but through correspondence with Washington representatives of the Southern Pacific Co., initiated by the San Francisco office, the following list of names was obtained: James G. Mather, deputy surveyor; Benjamin J. Bakes, chainman; William Blackburn, chainman; and James McAllister, axman. This quashed my theory that A. Anderson was among the 1869 surveyors, leaving only the unverifiable supposition that he might have gone along as a "camp-follower."

Another possibility offered itself, namely, that A. Anderson had been a pioneer resident of the county. There is a peak near our place known as Anderson Peak, the name being entered on the U. S. geological survey map, Truckee quadrangle, as having an elevation of 8687 feet. Was it possible that A. Anderson had been held in such repute in the county that a peak of this height had been named for him? But among the pioneers listed in the *History of Placer County, California* (Oakland: Thompson & West, 1882) was only one Anderson and his first name was "Chris." Perhaps he had a son who was in the vicinity of the soda springs at the given time? A glance at the date of Chris Anderson's arrival in the county ended this idea, for he did not reach California until 1875, and three years passed before he came to Placer County.

Thus the name and date on the tree trunk remain a mystery. But it has significance in another way. The inner bark of young specimens of this species of pine supplies a winter food for porcupines. When one thinks of the vicissitudes of weather, and of wild creatures well equipped with incisors, to which the trees in the meadow are exposed, one is impressed with the way nature managed to protect the eighty-odd year old inscription by swathing it in an envelope of new growth. Especially is its still-earlier preservation interesting, in view of the species' thin bark, which peals off in small scales.

The wood with Anderson's record burnt into it cannot be photographed because of its curving surface, but we are storing it for possible future reference.

Dr. John S. Griffin's Mail, 1846-53

Transcribed, with Introduction and Notes

By Viola Lockhart Warren

(Concluded)

PART III

Sonoma and Benicia Garrisons, May 1849 to August 1853

Dr. John S. Griffin was devoted to the pueblo of Los Angeles, but he was nevertheless exceedingly happy on March 29, 1849, to be riding off through Cahuenga Pass toward Monterey and the gold fields. He was starting on his first six-month leave since his arrival in California more than three years before. Dr. Alexander W. Hope would take over his medical duties until May, when Los Angeles would cease to be a military post and the battered hospital equipment would be sent to San Diego.

The doctor had hired three vaqueros in addition to his regular servant to drive a caballada of horses and mules to the profitable market in the gold fields, and along the way he would try to gather up the scattered animals which Colonel Stevenson had enumerated in his letter of February 7, 1849. (Doc. No. 43.)

Dr. Griffin's March fourth reply[56] to Colonel Stevenson's letter was not optimistic about the colonel's livestock, though he promised to make every effort to get possession of them. "... Horses down this way ... will now readily bring from 100 to 150, according to the amount of money a man may have and it is impossible to get them at that price. Mules are higher. If I can find the oxen, I will sell them for you, it would be impossible to drive them." He promised to make inquiries through Carlos Carrillo and others. The pueblo was much changed, the doctor told Stevenson. "It is now thronged with soldiers, quartermasters, men, Sonorans, &c, the most vicious and idle set you ever beheld. Gambling, drinking and whoring are the only occupations. ... You never see [a Californian] parading about on their fine horses as formerly. They all profess to like the old crowd much better than the new. ... The old lady

(Temple) and all hands are the greatest friends to me you ever saw...."

Despite complications and delays, Dr. Griffin hoped to meet Colonel Stevenson in San Jose or Monterey about April tenth. Subsequent letters indicate that the doctor's own animals arrived safely at the northern outpost, and that his hired workers secured some gold dust from the mines, but there is no report on Colonel Stevenson's scattered caballada.

47. Letter from Lieut. E. O. C. Ord, Stockton to James and Pacificus Ord, at the gold mines, May 21, 1849.

Dr Doctor & Siffy

I reached Monterey about the 15th after a three days ride in four big bites, almost dead & in company with Francisco who sold his cattle at the river San Joacin for 26 & whom I overtook at the pueblo. There I put up your medicines, which was a job, and by way of mistake brought off your trunk keys afterward. The medicines were left with Hoppe to go to San Francisco in his launch (there is no other) and thence Gibbs sends them to Stockton. Well Sherman was just going off surveying and having instruments, buggy &c all ready, invited me to join survey Hartnells ranch on shares & there take up what offered & I have come, having left all my rigs, as shirts, tin cup, knife, blanket, &c at Mr. Wests in the pueblo. I fitted out anew at San Francisco cost me 120 and agreed to go shares too in the expenses. Here we have bought two mules, one Sonorian for 200 & the one of Dr. Griffin's for which Hollingsworth would fix no price. The doctor was offered 250 each for four and this is one of the four. So I agreed to leave it with the Dr. & pay him what he thinks right. Do you attend to it for me if you can spare the money for by this means I save the gold we worked out which is pretty much all I have. To Siffy, I wrote to Louisa by Love who left here this morning, telling her you & probably Bob would be down as soon as you got rid of your goods. I think you have seen the elephant. I intended going to Monterey & waiting your return when with a four month leave I could come up to the Placer with Don Manuel & cattle for a speculation, but I found that my six months had been all granted at once & as the chance of the surveying party is good I had to come, didn't want to tho. I sent Louisa a ½ bll of olives thru Burton & a Bl of first rate Noriega wine has gone down for me. When you return look out for it will you. I didn't seek a place for Bob thinking you might have set him to shop keeping, but do get him out of the mines with you, and ask [Curgy?] to furnish him with the means for a venture in cattle with Don Manuel. Tis about the best outlay I know. They are worth $25 in San Francisco $30 here by the 100 and can be bought near Santa Barbara & San Luis for 5 & 8. Don Manuel is only waiting to hear from the Dr. to come up to Bob.

I hear that you have worked yourself sick. Get out of that and go down with Siffy. I could give you a chain to hold but you had better try and get an interest in some cattle. Just think, the Noriegas got 12,000 dols for cattle which cost em only 2,800 and there is not enough in the mines to last long. The San Joicin is pretty high but they still ferry cattle &c having a boat on the slew this side & some dn deep wading on the other. I was kept at the crossing an hour till the gentleman took dinner & rode that day from Stockton to Livermoor. Tell Siffy as he goes back not to take much on his horse or he will get it wet on tother side of the river. I left Ney the Drs roan horse at San Francisco to be sent down by Don Francisco care of El Solado to leave with Mr. Ord. I shall get through my surveys up here in a month or two and push south. I think the money I make in four months I hope will take me home.

Good bye, Yours &c E. O. C. Ord

P.S. if Griffin don't want the money now, I'll see him in two months E.O.C.O. The Inaugral is out, goes for rivers & harbors and the will of the people through an enlightened Congress. Short and says hel do the best he can. The new Cabinet by a picayune of March . . . and tis reported by express that the Senate amended the civil list bill with a tempor'y Civil Govt in California, and that the house agreed to the Senate's amendmt but tis not known if the Presidt has signed or if tis one with or without the Wilmot proviso as such as one was before the Senate. There is a garrison at Benicia & building barracks and I recommended Major Kingsbury to put his garrison at Daleys Mill which I think he will do. Major Miller, with whom I came up has two Cos here bound for the mines, he don't know where. Cant you help him with some of your knowlige. I have given him a letter to you and have written a provision return for one month, which you can draw as soon as the provisions are brought near to you

Yours &c

Lieut. E. O. C. Ord writes to his two brothers, Dr. James L. Ord and Pacificus [Siffy] Ord. The "Bob" referred to in the letter is a younger brother, Robert B. Ord, and "Louisa" is the only sister. The Ord family was a distinguished one in early California history,[57] and it is appropriate that modern Fort Ord near Monterey should commemorate the name.

Edward O. C. Ord, born in Maryland and a graduate of West Point, came to California in 1847 as 1st Lieut. in Co. F of the 3d U. S. artillery. He directed the construction of the original United States fort and barracks at Monterey, made the first official survey of the city of Los Angeles in 1857, served in the Civil War and in 1868 commanded the department of the Pacific as brigadier general.

Dr. James Ord came with his brother in 1847, but as a civilian doctor under contract with the army. Released from his army duties in August 1848, he went directly to the mines with merchandise to sell, and he was still there when his brother's letter was written in May of the next year.

He married the popular widow, Angustias de la Guerra Cesarin, and established his home and his medical practice in Santa Barbara. In 1882 he served as U. S. consul general to Mexico.

Pacificus and Louisa came west with their father, James Ord, in 1848. Pacificus was appointed judge of the superior tribunal of California on August 30, 1849.[58] He was a delegate to the constitutional convention and later received appointment as district attorney for the United States in California.

The father of this widely-known family claimed to be the son of George IV and Mrs. Maria Fitzherbert—a claim which had its detractors.[59]

Hartnell's ranch, which Lieut. Wm. Tecumseh Sherman and Lieutenant Ord had engaged to survey, was on the Cosumnes River to the north of Stockton. The surveyors had transported their wagon, harness and instruments from San Francisco to Stockton on the schooner which carried Maj. Albert S. Miller and two companies of infantry. With the acquisition of the two mules in Stockton they were ready for the road, but at the Mokelumne River it became necessary to take the wagon apart and ferry it across by canoe.[60] Nevertheless, the venture was profitable because the surveyors received as their pay two divisions of land, one mile by four miles each. When Hartnell's job was completed, Sherman and Ord did surveying for Sutter at Sacramento.

Maj. Julius Jesse Backus Kingsbury of the 6th U. S. infantry did not follow Lieutenant Ord's advice, but camped near Sutter's Fort for several months and eventually set up a post on Bear Creek, ten miles above its junction with Feather River. Major Miller established his post on the Stanislaus River.

It was probably irregular for Lieutenant Ord to issue a provision return to his brothers who were civilians, but only by such use of their precious "rations in kind" could the army officers in California meet the inflated living costs of the gold-rush period. The rations were to provide for one officer and servant for thirty-one days, and included pork, hard bread, coffee, sugar, beans, wine, soap, salt, vinegar and candles.

48. Letter from Dr. C. P. Deyerle, to Griffin, Sonoma,
Camp near Benicia Sept. 20, 1849.

Dr. Griffin
Dr Sir

I enclose the invoices of the medicines etc which you wish, as near as I have been able to fill the requisitions. In a note which I sent you a few days ago I promised to get them made on Monday last, but have been unable to do so from having unfortunately had several "glorious chickens" with intermittent fever in the meantime. My steward who is a complete novice in matters pretaining to his duties has also been sick with the same malady.

You will observe that I have not furnished all the articles required by you (from not having them on hand) and those put up are not in many instances in the *exact quantities* wished, but as you will readily perceive, it was difficult to *divide* the bundles or bottles and put up smaller packages.

Among the articles is a *Dispensatory*, we have but one here, that brought out by Dr. Hewitt I issued to Dr. Murray some days since. I have not been able to find a single *surgical needle* among my supplies. No white sugar on hand. I am using Commisary's for Hospital purposes. In relation to bedding I have but little – the mattresses I received from Dr. Hewitt (3 in number) were turned over to Dr. Murray and having but four others (which will be required in hospital at present for the sick) I am extremely sorry that I cannot forward you one at least. From the large number of boxes we had here, on adding my stock to Dr. Hewitt's, I was induced to believe that an abundant supply of medical stores had been sent out from New York, but upon opening them, I have found the list was by no means a well filled one, and that the articles had been badly selected for use in this country. My quinine, for example, is already nearly exhausted. Fortunately, however, most of the soldiers have deserted and I hope those remaining may soon be induced to follow the example of their "illustrious predecessors," so that we may all be able to "shut up shop" and "elope for the diggins." If you can find spare time to visit our famous city of Benicia (alias Magnesia) I shall be very happy to offer you the hospitalities of my "tienda del campo" and will endeavor to make you as comfortable as our facilities permit.

I am Sir Your obt. Servt C. P. Deyerle, U.S.A.

Dr. Griffin had left the inadequate equipment and meager medicines of his Los Angeles Hospital only to meet the same shortages in the north when he reported for duty on September 10, 1849, at the end of his six-month leave. Although Sonoma had a small contingent of soldiers, this post had been made headquarters for the Pacific division, and its doctor was responsible for the health of Gen. Persifor F. Smith and his officers.

Dr. Charles P. Deyerle had arrived in California the preceding April with Gen. Bennett Riley and the 2nd U. S. infantry. Dr. Henry Stewart Hewit arrived about the same time with the 3d artillery, and their medical supplies were consolidated at the military post and general depot for the Pacific division at Benicia.

49. We hereby certify that John S. Griffin is a joint owner with us of a farm situate in Napa Valley containing six hundred and forty acres of land or there-

abouts. There is upon said farm an adobe house a good garden containing fruit trees and some forty acres of land well fenced.

Sonoma Oct. 11th 1849 Vallejo & Frisbie

Dr. Griffin lost no time in placing his investments. He had arrived in Sonoma only a month before this purchase from General Vallejo and his son-in-law, John B. Frisbie. Frisbie had been a captain in the New York volunteer contingent and had remained in California where he became prominent and wealthy.

50. Letter from James Fraser, San Francisco to Griffin, Sonoma, Oct. 26, 1849.

Dear Doctor,

Since your departure, I found that the Barque "Mary Francis" could not get her necessary papers as she had sailed under the Hawaiian flag. Consequently she could not get an American Register and I threw up the purchase withdrawing the [m.m.?] On Monday I purchased 2/3ds of the "Samuel M. Fox" as she lies — Young Mr. Fox taking the remaining 1/3. Her cost is $10,500 and she can be out to sea for about $300 in addition. This is the same vessel that I had offered $12,750 for previous to your arrival, including the stores. The owner had, after my first offer, removed a large part of her provisions, the value of which I deducted from the first offer, and thus made the amount $10,500. I consider the 2/3 of this vessel more valuable and certainly with the prospect of realizing more in freight than the whole of the Bark. Fox goes with me to the Islands.

Brown turned over to me for you $456 in gold at $16 and I suspect he must have some of this back to purchase a Sextant with, which as master he must have; of course as the amount bears to your whole amount so will his proportion that he will receive from you be. Yours of 19 I received today and as I waited for it relative to the disposition of the money left for Mr. Robinson, I will act on your letter and retain it, leaving you to remit him the amount. As this vessel has cost more than the other, I will want all I can get.

I have bought some bread for ballast and hope to get to sea tomorrow.

With kindest wishes believe me My dear Doctor
Very truly yours James Fraser

[Penciled notes]

funds deposited
645 cash from Howard & Mileus [Mellus]
1300 gold dust
1600 cash from Height [Haight]
456 from Brown
$4001
10,500
4,001
5,499 [6,499]

The penciled notes at the end of this letter, and others on the reverse side of the page indicate a complicated venture, with percentage problems that were almost beyond the doctor.

51. Letter from Salmon & Ellis, San Francisco — to Griffin, Sonoma, July 1, 1850.

Dr. J. S. Griffin

Dear Sir –

We are pleased to own receipt of your esteemed favor 26" ulto. containing Power of Attorney to settle your business with Capt. Brown when he arrives. The letter for Mr. Fraser we will hand him when he comes in. You may feel assured we will advise you the moment Capt. Brown arrives. As to the percentage on Cargo "Saml. M Fox" the storage $1500 was cast out but the others were perfectly just tho strained a *leetle* – so at 6⅔ per % his dues would amt. to $541.27. The writer gave Mr. Fraser two statements one for you & the other to keep himself. It is rather difficult to say when the present voyage of the Schr will be closed but should think in about three weeks. Accept our best wishes &

Believe us
Very respectfully Salmon & Ellis

The 6⅔ % for Capt. Brown would indicate that the total profit on the voyage was over $8,000.

52. Letter from Surgeon Geo. F. Turner, Presidio of San Francisco — to Griffin, Sonoma, Jan. 25, 1850.

Sir

The Commanding General desires that you should ascertain and report for his information upon what terms a competent person to perform the duties of Asst. Surgeon at the post of Sonoma can be obtained.

I am Sir very Respt Your Obt Servt Geo. F. Turner
Surgeon & Medl Director

Dear Dr.

Both myself & Dr. Deyerle are desired to make a similar report in reference to the Presidio and Benicia. I do not know the Genls object but I think it does not involve the removal of either of us from our present post, though this is only surmise.

Yours truly G. F. T.

Dr. Booth is honorably discharged from the service.

Despite Dr. Turner's explanation, the request of the commanding general must have encouraged Dr. Griffin to hope that his long-awaited release from army service might be near at hand. His request for discharge had been submitted, but a series of letters[61] in the archives of the surgeon general's office show beyond a doubt that the doctor had become a bone of contention between the adjutant general, the surgeon general and the commanding officer in California.

On December 11, 1849, the surgeon general wrote the following to Dr. Griffin:

> In reply to that portion of your letter expressive of your dissatisfaction at not having been relieved from duty in California, I have to say that it is evident you have not been apprised of the views of the Department in relation to yourself. And as it appears from the tenor of your letter that you are under the erroneous impression of having been neglected, it is due to the Department as well as yourself that you should be correctly informed in the matter.
>
> Herewith enclosed is a copy of a communication from the Surgeon General to the Adjutant General detailing Medical Officers for duty in California, from which you will perceive that, more than a year ago, it was the design of the Department that yourself and Assistant Surgeon Murray should be relieved by two of the Medical Officers then about to accompany the 2nd Infantry to California, and ordered to return to the United States. Upon this detail "General Orders No. 60" Series of 1848 was issued . . . directing the Commanding Officer in California, on the arrival of any two of the named Asst. Surgeons, to relieve yourself and Murray. . . . Why this order has not been carried out, our information does not enable us to determine; although from what was stated a short time ago by Colonel Swords . . . it would appear that it had not been received by the Commanding Officer in California.
>
> It was in the full belief that you would be permitted to return to the United States that it was deemed unnecessary to act upon your application for a leave of absence, which was received only a few weeks after the order in your case was issued.
>
> I may now add that Assistant Surgeons John Campbell and Abbott (a late appointment) have been detailed for duty in California, and will proceed thither via Chagres; so that if you have been kept in the Country by the Commanding Officer on the score of necessity, it is hoped that after their arrival it will no longer exist and that the intention of the Department in regard to yourself and Murray may be carried out.

Apparently Dr. Campbell had not yet arrived to relieve Dr. Griffin by early April, because the surgeon general's office, under date of June 6, 1850, writes the doctor again, as follows:

> I have also to acknowledge receipt by the same mail of your communication of the 10th April stating that by the last steamer you had forwarded an application for six months leave of absence and requesting the approval of the Dept. to the same. In reply I have to inform you that no such application has been received at this Office; nor, on inquiry, has any been received at the Office of the Adjutant General . . . even if it had been received, the Surgeon Gnral would not have felt authorized in giving it his approval, inasmuch as you are under orders to return to the United States and it is the desire of the Department that the order should be carried out. In this connexion it may be as well to state that the attention of the Commanding Officer of the 3d Division was called to the order in question by the Adjutant General, on the 22 March last. . . . Dr. Campbell reported his arrival at Panama on the 14th March and doubtless reached California in April. . . .

Doubtless Dr. Campbell *did* arrive at Sonoma in April or shortly thereafter, because special orders were dispatched to Dr. Griffin from army headquarters in New York on July 17, 1850, for a "conditional leave of absence." The doctor took off immediately, and, as a consequence, the surgeon general was very angry at General Smith, the commanding officer in California, for permitting such free use of a "conditional" leave of absence.

In a very sharp letter to Gen. R. Jones, the adjutant general, on March 25, 1851, Surgeon-General Lawson says:

> It has been shown that there were 8 medical officers in California after the arrival of the 2d Regiment of Infantry and there was the same number at the date of Gen. [Persifor F.] Smith's letter; notwithstanding which he alleges that "there has always been a deficiency of Medical Officers in the Department, and is to the day." California must indeed be an extraordinary Country in more respects than on account of its mineral wealth, if eight Medical Officers are insufficient for a Body of Troops numbering less than a full Regiment of Infantry; the proportion of Medical Officers to the number of men employed is fifty percent at least greater in this than in either of our other Military Departments; and I may with confidence assert that an equal number of Physicians is not allowed to the same number of Troops in any other service on the face of the globe.
>
> . . . At any rate if there must be a multiplicity of small Posts or Garrisons (one for instance near San Francisco and another at Benicia some 25 miles further up the Bay of that name) and each of them must have a Medical Attendant always present, notice should be given in due time to this Office, in order that arrangements may be made *here* to meet the requirements of the service. Although the Regulations require that Medical Contracts shall be immediately forwarded to this office for approval or disapproval, they are seldom transmitted from California until several months after they have been entered into, and then only, perhaps,

because payment on them is refused without my approval; so that adding the time required for the papers to reach this place, a debt of $1000 or $1200 is contracted before we know anything of the transaction.

... Now, if a Medical Officer during the Florida War could run the gauntlet thro the Indian haunts and attend to the troops at three or four stations at a time, I cannot see why the Surgeons in California cannot do the same, and I am painfully mortified to find that neither Surgeon Turner, who could engage no person to do his duty at Presidio under $30 or $50 per visit, nor Assistant Surgeon Deyerle, who found no one determined to serve the Government at his Post even for the sum of seven hundred dollars per month, would not volunteer to do duty at both stations, thereby leaving the other free to serve the Government at the Post where Major Fitzgerald commanded.

... About the time that Doctor Overstreet was employed by Captain Lovell, and Doctor Parry by Major Fitzgerald, Surgeon Turner was ordered by General Smith to Washington City, and Assistant Surgeon Griffin furloughed.

A leave of absence had been granted from the Adjutant General's Office to Surgeon Turner upon the condition that his services could be dispensed with; but General Smith, in advance of this conditional leave, ordered him to the City of Washington. Assistant Surgeon Griffin was also granted a leave of absence from the Adjutant General's Office, "provided his services can, in the opinion of the Commander of the Department, he dispensed with in California"; and under this qualified authority, Griffin was furloughed for six months, and a Medical Officer (Doctor Campbell) just arrived, was sent to relieve him, instead of being assigned to duty with Fitzgerald's or Lovell's Command where private Physicians were employed at $200 per month.

As two private physicians had to be employed at $200 each per month, one for Lovell's and the other for Fitzgerald's Command, about the time that Turner was ordered to Washington and Griffin was furloughed; it is manifest that their services could not properly be dispensed with; and General Smith, in granting these indulgences to Turner and Griffin, not only acted without due authority, but against the wishes of the Surgeon General.

The jurisdictional dispute that raged between his three superior officers penalized Dr. Griffin constantly. He was reprimanded in 1850 for irregularities in his final Los Angeles hospital report. His defense[62] was that his papers had not been forwarded to him from Los Angeles until almost a year after his departure, and thus his tardiness in reporting to the surgeon general was unavoidable. Moreover, he had hired a civilian doctor, Alexander W. Hope, to replace him in Los Angeles, and when Dr. Hope was replaced by Asst.-Surgeon Wm. L. Booth, Dr. Booth had erroneously receipted for the supplies to Dr. Hope instead of to Dr.

Griffin. As for the hospital supplies declared "surplus," they were old and worn out bedding. "The greater portion of it had been in constant use since the arrival of troops in California. The matresses had been in constant use for three years, much of the time without bedsteads or bunks."

Dr. Griffin was further reprimanded in 1851 for not reporting his position promptly before and after changes of post and before and after leaves. He was reminded in a sarcastic letter that medical men were still required to prepare the meteorological register, giving the direction and velocity of the wind, observations on the clouds, etc., but that no such observations had come from his post for over a year.

But the most devastating punishment was still to come. Dr. Murray had long since been ordered home at the time Dr. Griffin took his "conditional" furlough, but no such escape was permitted Dr. Griffin. The moment his leave was ended, he was ordered into the field with escort troops conducting the Indian commissioners through the northern part of the state. Upon his return from that ordeal, in December 1851, he was ordered into the field again to the "Siberia" of the California division — the Gila River.

53. Letter from Dr. Rob Murray, to Griffin, Sonoma,
[No location given] [Undated; probably late in 1850]

My dear Griffin:

I do not recollect whether I sent you certificate about the wine which was lost en route to our camp & I hand you others herewith. I am about to leave for home, going first to Monterey to take the Steamer from there.

I am very sorry to miss seeing you. Some of these days when the California gold bubble is bursted & forgotten, I hope we may be stationed together at some comfortable post in the Atlantic side.

I shall be much pleased to hear from you & shall get those instruments and send them to Hallecks care through the express office.

Yours truly Rob Murray

I don't recollect whether those things were sent in Apl., May or June. You can fill in the month.

During a leave in September 1853, Dr. Griffin's address was "Care of Dr. Rob Murray, N. Y." Dr. Murray took his examinations for major surgeon in December of that year and remained in the service to become surgeon general in 1883.

54. Letter from Dr. Griffin,
Benicia

to Dr. C. M. Hitchcock,
Med. Dir. & Surgeon, U.S.A.
San Francisco, Jan. 9, 1852

[Marked "copy" on reverse side of sheet.]

Doctor,

I have the honor to report that I arrived here last night on my way to San Diego – having been ordered to accompany the Command under Major Fitzgerald to the Southern Country.

I would most respectfully submit that this detail for field service was not mine, as I have just returned from a long march in the mountains, and that there are other medical officers, Doctors Deyerle and Abbott, my juniors, who have not been in the field for some time.

[Next paragraph crossed out but legible.]

I had hoped that I might have been permitted to remain quiet for the winter, as I wished to do so for the purpose of study. You are aware that the time for my examination is approaching and that I should –

As it is probable we shall be stationed on the frontier and probably on the Gila [End of crossed out portion.]

As to health I am not in a fit condition to be in the field for any length of time, for the last three years I have been troubled with a cutaneous disease – which invariably gets worse (as soon as) from the diet and exposure of camp life. (This can be easily known by inquiring from Major Wessels who) During the last march I was on, I suffered continually, as may be easily known from Major [Henry Walton] Wessel[l]s, who was in command of this expedition.

The time for my second examination is approaching and I did hope that I might be permitted to have remained quiet for the winter. From my previous service, I have had little opportunity to study as I have been constantly in the field or at remote frontier posts since my entrance in the service in 1840.

If the post of Purveyor be assignable according to rank, I would respectfully apply for it, if Doctor King does not wish it. I am the next in rank. My object in applying for this position is that I may be permitted to be stationery for a short time and as the station of the Purveyor will probably be near San Francisco, I can have access to books when I wish them. At San Diego or any other place to the south, it would be almost impossible to obtain them.

I have submitted these remarks to you as the Chief of my Corps and respectfully request that you will forward them (to the General Commanding) with the remarks you may consider proper, to the General Commanding for his consideration.

I am sir Most Respectfully
Your obdt Servt John S. Griffin, Asst. Surgeon

Apparently, from the many changes made in the first draft, this was a hard letter for Dr. Griffin to write, and it had no immediate results. On January 30, 1852, he arrived at San Diego with troops under orders for the Gila and Colorado rivers, and on April 18, 1852, he submitted from San Diego his quarterly report of the sick and wounded at Camp Yuma. However, he stated in this report that he had been ordered to report at division headquarters at Benicia, the Sonoma post having been abandoned in January 1852.

55. Letter from Rafaela Cota de Temple, Los Angeles to Griffin, Benicia, June 1, 1852.

[Translated from the Spanish by Mrs. Leonor Montau,
Univ. Calif. Los Angeles]

John Griffin, Benicia
My esteemed Doctor

In spite of the fact that you probably have not thought about us, I take this opportunity to tell you again of my most sincere friendship and to assure you that I shall always remain the same in regard to this great friendship.

For several years I have been hoping that you might take a trip here; my husband, Juan, likewise, for some good friends led us to believe that you were coming; but all this time has gone by and we haven't even had the pleasure of seeing you. I have some property to give you but as a punishment for your forgetfulness, I shall transfer it to someone else if you don't come to visit us before we leave for Mexico.

Mariquita always remembers you, for the gratitude she owes you is unforgettable to her and always shall be so. Since I returned from Mexico she again is with me and in her conversations she always mentions you. Consequently she now asks me to send you her kindest regards.

Hoping you will live many years, I remain in good health, which I hope you may also enjoy, and I repeat myself as your sincere friend, who kisses your hand.

Rafaela Cota de Temple

Dr. Griffin had boarded with John Temple and his wife in Los Angeles and had become close friends with the wealthy pioneer family. Apparently he was not able to visit Los Angeles on his tour of duty at Fort Yuma, and thus missed his opportunity of qualifying for Mrs. Temple's gift of property. A search of Los Angeles land titles fails to reveal any transfer of property from Juan or Rafaela Temple to John Griffin until 1857, when Dr. Griffin paid Mr. Temple $1788 for the Garfias mortgage which was ultimately to put the doctor in possession of a 4000-acre ranch, the present site of the city of Pasadena. After the death of John Temple in 1866, Mrs. Temple and her daughter Mariquita made their permanent home in Paris.

56. Letter from Dr. Chas. S. Tripler, San Francisco to Griffin, Benicia, Sept. 8, 1852.

Dear Dr.

My steward Craig made out for me a report of sick of the 4th Inf. for the months of July and August, which he handed me on the wharf as I was leaving. I find great errors in it as to the dates & causes of death. I am sorry to give you the trouble but you will much oblige me if you will get from him the *original* list of deaths of the cholera that I gave him & have added to it those that occurred afterward up to the 31st August with the dates, places & causes of death & the Christian names of such of the men as may not already have been recorded on the list. Three men died on the Golden Gate & three I believe at Benicia of Fever. All these he has put down as Cholera. One man was left sick at Cruces & four at Panama or Taboya. The names of these are not on the report at all, nor are these accounted for on the face of it. I am afraid the only way to get at this information is from the books of the company officers. It will give you some trouble, but as it is absolutely necessary to me I am compelled to ask it of you. I wish to make this report by the next steamer & therefore want the list as soon as practicable.

I am gaining strength every day & hope soon to be as well as ever.

The weather here has been delightful for the last two days. We have had neither wind nor dust. Please give my respects to Dr. Crane.

Yours truly Chas. S. Tripler

Surgeon Charles Stuart Tripler was on duty with the 4th infantry while they were being transported from Panama to Benicia on the steamer *Golden Gate*. Captain Ulysses S. Grant was quartermaster for the regiment.

57. Letter and certificate from U. S. Grant, Columbia Barracks, Oregon T. to Griffin, Benicia, Jan. 5, 1852 [should be 1853]

Dr.

Dear Sir:

Enclosed you will find the Certificate called for in your note of the 20th ultimo. If it is not in such form as to enable you to make use of it as a voucher please suggest what you want, consistent with the facts as set forth in my Certificate, and I will accomodate you with a great deal of pleasure.

I am Dr. Very respectfully
Your Obt. Servt. U. S. Grant
Bvt. Capt. & R. Q. M. 4th Infy

I certify, on honor, that six ounces of Quinine were borrowed from Dr. Holdman, Surgeon on board the steamer Golden Gate, for the use of the sick of the 4th Infantry on their passage from Panama to Benicia in the month of August 1852. This to be replaced on the arrival of the Troops at Benicia. This was borrowed on the recommendation of the Acting Surgeon serving with the troops, there being a great number of cases of fever on board, and being unable to find the Quinine belonging to the Army Medical stores.

U. S. Grant
1st Lt. & R.Q.M. 4th Infy
Bvt. Capt. U.S.A.

Ulysses S. Grant became commander of the army in 1864. He was preceded in that office by Gen. H. W. Halleck, and followed by Gen. Wm. T. Sherman, all three men having served in California with Dr. Griffin.

58. Letter from Dr. John E. Simons, Dales, Oregon to Griffin, Benicia, Jan. 24, 1853.

Dr. Doctor

I have sent you all the explanation, and information I have been able to give, or glean from every source relative to the oz. of quinine, and am very sorry that there should have occurred a discrepancy between your retained invoice and those turned over to me by Dr. Moses. As I could have easily expended that amot. . . .

This could be made a very pleasant place for one who wished to live the life of a hermit, but this winter has been a little too much for anyone's fancy, with the open accommodations we have been obliged to put up with. All the wood and water used has to be brought in from the forest by hand. The quarters are very open and uncomfortable, and indeed every thing unpleasant and disagreeable to think about, save the Officers. . . . There is no game here of any description save robbins, under 25 or 30 miles, and we live on salt provisions all the time. . . . Some of Montgomery's Commsy beef cattle even have died, for the want of food. No hay or grain. . . .

Yours &c Jno. E. Simons

Dr. Griffin had at last secured the coveted position of medical purveyor for the Pacific division which included Oregon. Heavy reliance on quinine is evident in all of his correspondence, indicating the prevalence of malaria and other undiagnosed diseases with attendant fever.

A letter from his old dragoon captain, Andrew Jackson Smith, stationed at Fort Oxford in Oregon Territory, indicates that Dr. Griffin is managing his friend's financial investments in the Bay area, and a long, gossipy communication on May 29, 1853, from Dr. John Campbell, now at Fort Reading in the north, congratulates Dr. Griffin on being at last ordered home.

59. Letter from Richard P. Hammond,
San Francisco
to Col. Jefferson Davis,
Sec'y War, Washington,
July 15, 1853.

My dear Col.

I take the liberty of introducing to you Dr. Griffin of the Army – a very thorough officer and a very accomplished, high toned gentleman.

You and I, who have been in the service, full well know that these attributes, which I claim for my friend Griffin, are not common to the *gentlemen* of the Army – and that there are gradations in our old profession as in other walks of life. I have nothing to ask for the Dr. save that which your judgement shall deem just – professionally & personally he is entitled to your consideration.

One word for myself – if we have a brush with Mexico again, and there is work to be done on the coast, please remember that I am not on the shelf.

Very truly Yr. friend & servt
Richd P. Hammond

Richard Pindell Hammond had served as adjutant with the 3d artillery, but had resigned in 1851. He remained in San Francisco as a civil engineer and was collector of customs in 1854. Jefferson Davis, adjutant of the 1st U. S. dragoons at their formation in 1833, was to become president of the Confederate government in February 1862.

60. Special Orders No. 111
Adjutant General's Office, Washington
to Griffin, through Surg. Gen.,
August 17, 1853.

By direction of the Secretary of War, leave of absence for three months is granted Assistant Surgeon John S. Griffin.

By order, S. Cooper, Adj. Gen'l

This order had been preceded by one of March 30, 1853, which read, "Upon the arrival of Surgeon Hitchcock at the Headquarters of the 4th Infantry, of Assistant Surgeon Laub at Benicia, and Assistant Surgeon Hammond at Fort Seitacoom, Assistant Surgeons Moses, Griffin and Haden now at these posts, will be relieved from duty and ordered to report, in person, to the Surgeon General of the Army."

By authority of this order, Dr. Griffin was in Washington on August 17, 1853, and received his order for leave in person, "by direction of" Jefferson Davis.

61. Letter from Geo. Hancock, Home [probably Louisville] to Christine Griffin, Newport, R. I., August 21, 1853.

Dear Christine

I received a letter from John Griffin on the 18th from Washington City informing me that he would leave there in a day or two for Newport, and I presume he is now with you. I am called hurriedly and unexpectedly to the City of New York and will leave here in the morning with Wile Preston, and be in New York about Thursday night next. Will you spare John the time to run down to meet us there, as I am not certain that I can see you but if it *possibly can be* done, be assured I will not be so near you and not see you.

If you should write to me, or John comes up to the City, tell him to enquire for me at the "Astor" House or the "Astor House Exchange Register" where he will learn my whereabouts.

We are all well. My wife has gone in to church and left me to pack my luggage for an early start in the morning, which must be my excuse for a hastily written letter to you. Present me affectionately to Mary, John & Mrs. Lawrence & Cox — and believe me dear Christine yours very affectionately

Geo. Hancock

George Hancock was probably Dr. Griffin's cousin from Louisville, son of the George Hancock who reared John Griffin and his sisters, Christine, Eliza and Mary.

62. Letter from Surg. Gen. Thomas Lawson, Washington, D. C. to Hon. Wm. Preston, Louisville, Ky., Nov. 12, 1853.

Dear Sir:

Your favor requesting a leave of absence for Assistant Surgeon Griffin, that he may have an opportunity of visiting his sisters in Texas, and for the transaction of private business, I have had the pleasure to receive.

Immediately on the arrival of your letter to me, I transmitted it with the one directed to Dr. Griffin, to that Gentleman in New York, in order that he might more understandingly determine whether he would take his furlough now or await his examination for promotion in December next, and then take a leave of absence.

I have with this mail written to Dr. Griffin transmitting the order, which had been issued previous to the receipt of your letter, directing him to appear before the Army Medical Board, while I have at the same time sent to the Adjutant General's Office his application for an extension of his present leave of absence with my approval. On receiving these several communications, Dr. Griffin can determine whether it is best for him to take at this time, the extended leave of absence or to return to New York and undergo his examination for promotion.

I have the honor to be Very Respectfully
Your Obdt Servt Th. Lawson

Wm. B. Preston of Louisville was a close friend of the Hancock and Griffin families. He had been secretary of the navy in 1849 and 1850, and now, as congressman from Kentucky, he was an influential man in Washington.

The choice between the extended leave and the examination was not a hard one for Dr. Griffin to make. He had no desire to remain in army service, even as a major surgeon, and so he removed his name from the examination list and departed for Galveston, Texas, the home of his sister Eliza and her husband, Albert Sidney Johnston. After the death of General Johnston at the battle of Shiloh, and of her son, Albert, in the explosion of the steamer, *Ada Hancock*, at San Pedro, sister Eliza made her home with Dr. Griffin in Los Angeles. Her son, Hancock Johnston, became his uncle's business partner in the subdividing of East Los Angeles.

63. Special Orders No. 156
War Department, Adj. Gen'ls Office
Sept. 15, 1854

The resignation of Assistant Surgeon John S. Griffin has been accepted by the President, to take effect September 14, 1854.

By order of the Secretary of War
S. Cooper, Adjutant General

John S. Griffin, civilian, returned to Los Angeles before the end of 1854 and opened medical offices in connection with Dr. Alexander W. Hope's drug store. He soon became the city's most trusted physician. In 1858 he was appointed county physician and wrote a separate request, with diagnosis, to the board of supervisors for every patient admitted to the new Sisters of Charity Hospital.[63] When the sick from other parts of the state doubled the Los Angeles County load, in 1869, he petitioned the legislature for $5000 in state aid.

Two years after his return he married Louisa Hayes, a teacher in the schools over which he was superintendent and a sister of Judge Benjamin Hayes. The doctor acquired a home of his own, the first that he had known since early childhood. No children were born of the marriage, and his wife's death preceded his by ten years.

During the Civil War his outspoken secessionist sympathies almost led to his imprisonment, and in 1867 he was publicly attacked by the district attorney in widely distributed handbills because he had purchased the court house from Rafaela Temple's estate and was trying to sell it to the supervisors at a profit. He was also criticized for the purchase of 2000 acres of public land in east Los Angeles for fifty cents an acre.[64]

But as the Spanish pueblo took on American ways, Dr. Griffin was in the forefront of every new movement, always vehement and usually effective. In 1876, when the city celebrated its hundredth anniversary, the doctor marched in the parade with the Mexican War veterans, many of them his old dragoon companions of 1846. His zest and humor stayed with him through the frustrations and excesses of four decades in the growing city, and he still loved it with all his heart and soul. At his death in 1898 he could well have repeated the tribute inscribed in his diary a half century before, ". . . taking everything into consideration, I think this is decidedly one of the most desirable places I [have] ever been at."[65]

NOTES

56. *Los Angeles in 1849; a letter from John S. Griffin, M.D., to Col. J. D. Stevenson, March 11, 1849,* ed. and pub. by Glen Dawson [correcting entry in note 8 above] (Los Angeles, 1949), pp. 6-9.

57. Maj. Gen. E. O. C. Ord, in his "Personal Diary," 1850-56 (manuscript, Bancroft Library), reveals the extent of his own activities and his family's participation in contemporary events.

58. 31st Cong., *op. cit.*, p. 820.

59. James Ord, *Memoirs of James Ord of Ord Rancho, California*, ed. by Henry W. Shoemaker (Altoona, Pa.: Altoona *Times Tribune*, 1920), p. 5.

60. William T. Sherman, *op. cit.*, p. 75.

61. Records of the U. S. war department, office of the surgeon general, "Letters sent 1849-53," nos. 390, 426, 439.

62. *Ibid.*, "Letters received 1850-53," March 25, 1850. Microfilm copy.

63. John Tracy Gaffey papers in Stearns collection, Huntington Library; forty pieces, John Griffin to Abel Stearns.

64. Coronel collection, Los Angeles County museum, P. C. 15.

65. Griffin, *op. cit.*, p. 64.

Charles Fernald to Hannah Hobbs

Edited, with Foreword,

By CAMERON ROGERS

FOREWORD. — The first and second of the three letters, here published for the first time, have to do with subjects which might be called global, while, in the third, the judge gives nature, especially local nature, a thorough hearing.

Charles Fernald (b. May 27, 1830), son of a state of Maine farmer and but recently a partaker of the curriculum offered by Prof. Harrison Hobart in his academy at Great Falls, N. H., was deep in the study of law when news of the California gold rush reached New England. In January 1849 he left by sea for the west. By June of that year he had reached San Francisco. His next move was up country to the mines — not for long, however, for he was back in San Francisco by the May 4, 1851, fire which consumed his law library, and that of the following June twenty-second, in which the building of the *Alta California,* for whose columns he wrote while preparing himself for admission to the bar, was destroyed.

Actually which articles were written by Fernald is impossible to trace, though some years later the Grass Valley *Union* was to say that continuous anonymity among San Francisco journalists was inefficacious: there were few enough good ones to permit of their being known by their style, just as they were known "by their faces, or by their walk, a whole block off."[1] Applying this to Fernald, one might conclude that the following from the *Alta's* steamer edition of February 1, 1851, was his. The author, remarking upon the basic loyalty of the vast majority of Americans, says that in some parts of the country "efforts were made to carry away the people for the advancement of mistaken ideas of duty, or . . . to advance the personal interests of unscrupulous politicians. . . . The disorganizers have been rebuked, and the chances for the perpetuity of our Constitution and the continued union of the States are growing stronger every day...."

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[1] Grass Valley *Union*, Jan. 21, 1869 (editorial).

Or, in view of his later official duties as Santa Barbara County judge in putting down crime, and the care with which all the circumstances in the present case are noted, he might have written this, in the *Daily Alta* of January 26, 1851, under the heading "Careless Shooting":

> From the infamous and reprehensible practice of shooting within the precincts of the town, the lives of three gentlemen were within an ace of being sacrificed on Saturday, yesterday, morning; they were standing reading the paper at the bar of the Hotel de Ville, kept by Mr. A. Milatovich, Montgomery street south, when a ball, fired from either a rifle or pistol, entered a pane of the window, leaving a circular hole, passing within one or two inches of the heads of the three gentlemen.... Surely from the numerous cases of this kind, some more stringent and severe punishment than hitherto inflicted should be adopted in future.

As to his law work, the procedure for examination of candidates desiring to practice in California had been provided by the legislature in February of the same year (see *Statutes,* 1851, pp. 48-49). The first two sections read:

> (1) Any white male citizen of the age of twenty-one years, of good moral character, and who possesses the necessary qualifications of learning and ability, shall be entitled to admission as Attorney and Counsellor in all the Courts of this State. (2) Every applicant for admission as Attorney and Counsellor shall produce satisfactory testimonials of good moral character, and undergo a strict examination, in open Court, as to his qualifications, by one of the Judges of the Supreme Court of this State.

Fernald had been familiar with New England laws on the subject, where, as in New Hampshire in 1842 and in Maine in 1843, so-called "moral character lawyers" had been authorized by statute.[2] The California system of requiring, in addition to moral character, strict examination as to ability, thus preceded the two older states in this particular, New Hampshire making expertness mandatory in 1872 and Maine in 1881.

When the formalities of admission to the bar of California were over, Charles Fernald took ship in June 1852 for Boston, with a stopover planned for at Santa Barbara where an eastern friend, Edward Hoar, was practicing law. A combination of affairs, mixed with violence, had rendered the office of sheriff in Santa Barbara vacant; whereupon Fernald decided to cancel his return to the east and fill the vacancy — filling it, indeed, with such success that, the following November, the electorate made him district attorney. Events continued to follow quickly, for on March 14, 1853, upon application of the citizens of Santa Barbara County, Gov. John Bigler appointed him county judge. Elected to the office without opposition on September 7, 1853, for the four-year term commencing in April 1854, he was kept in office without opposition, being admitted in the meantime (1854) to practice in the supreme court of California and in 1857 in the U. S. circuit court. He refused a third term as county judge, and on June 1, 1861, at the age of thirty-one, he retired from the bench. The first two of the present letters precede this event by less than a year, the second by only a few days, and the third was written after some seven months of private practice. Miss Hannah Hobbs, to whom they are addressed and who became his wife, was the daughter of Wilson Hobbs of Maine.

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[2] Orrin K. McMurray, "Seventy-five Years of California Jurisprudence," *Calif. Law Rev.,* XIII (Sept. 1925), 448-49.

Transcriptions of the letters are given in the pages (44-48) that follow.

EDITOR'S NOTE. — For a full and stimulating account of Fernald's life, the reader is referred to Mr. Rogers' recent book, *A County Judge in Arcady, Charles Fernald, The Selected Private Papers of a Pioneer California Jurist* (Glendale, Calif.: Arthur H. Clark Co., 1954).

The Letters

Santa Barbara
18th October, 1860 Morning

[My dear Hannah]

How very *naive* your observation is about my probable disgust with any lady who knows anything about politics. The trickery, concealment, fraud, humbug, and hypocrisy practiced by politicians, and by the leaders of parties generally, is known to most *men* of the least pretense to understanding, and it is not natural, then, for men to associate politics with ladies or with our ideas of the true character of a lady. We know that most politicians are corrupt and unscrupulous and dishonorable; that there is something in the very nature of the pursuit likely to make men so. On the contrary, we believe that woman is good, true, noble, affectionate, little short of an angel, and the only object of love. We believe in, have faith in you, love you. But we do not put the least faith in politicians. But I know of nothing out of character, for a lady to take an interest or discuss political questions. When I speak of "lady politicians," I have in mind the extreme characters – Lucy Stone and Kelley Foster. They are not the women who guide and control men, they are foolish enough to think so. There, I will say no more about politics, my dear.

I am occupied now in court nearly all of the time. I have not had time to take my annual hunt. We are thinking about going next week, so we can sleep on the ground before the rain falls. Bear and deer hunting is the finest excitement in the world. It stirs the blood much as, I imagine, a battle does.

What shall I send you? I have a chain of curious workmanship and of fine gold – it will, perhaps, be useful or ornamental. I have no slaves to bind with it. You are, perhaps, more fortunate, my dear.

Yours forever, Charles

The judge went along with his generation on the subject of those early feminists, Lucy Stone (1818-93) and Abbie Kelley Foster (1810-87). The latter was not only a vigorous and gifted pioneer in the field of women's rights but a disciple of William Lloyd Garrison, and a fighting member of the extreme wing of the Abolitionist party. She was the first woman ever to address a mixed audience in the United States, for which exploit and indeed practice – for no amount of criticism could deter her from so doing – she was viciously attacked from many a pulpit and her perfectly blameless morals impugned in outrageous terms. Perhaps the greatest tragedy of her life was the loss of her platform voice, which simply wore out.

Lucy Stone, Oberlin College graduate, gifted also as to voice, lectured in behalf of the same causes, and, with her husband Henry Brown Blackwell and their daughter Lucy Stone Blackwell, plied her pen with undiminished freshness in editing the *Woman's Journal,* Boston, Mass.

Santa Barbara
12th May, 1861

My dear Hannah,

Let us suppose we had been born and educated in South Carolina instead of Maine. We should, I think, have been for Southern Rights. It is quite possible we may have erred as I really believe the South Carolinians have, but we should have gloried in our error, or, rather, we should not admit our error. With regard to [Judah P.] Benjamin, I must confess my eulogy was rather ill-timed. I have read lately dreadful reports of his shortcomings and youthful turpitude. But, am quite unwilling to believe it. It seems impossible that these stories should be true. It seems incredible that eloquence can dwell with impurity or can come from an impure heart. The presumption is that he is not guilty. To overcome this presumption, the testimony must be direct and unimpeachable. We must examine the accusers also to ascertain whether they are disinterested lovers of truth and justice. Are the accusers prompted by malice, hatred, and envy? Why have they kept their accusations locked and guarded in their memory so long before they hurled it at him? Was it for the pleasure of blasting him and tarnishing his reputation, and wounding the feelings of everybody connected with him? This is malignity, indeed! To what end is the accusation made? What purpose could it possibly serve. They could not put him on trial for the theft. The law has bade all people to forget it, by passing a statute of limitations, and as a consequence, to forgive it. Does it or can it (the fact of his error or crime) render anything he has said less true or anything he has done less noble or charitable. Oh, my dear Hannah, how weak and unthinking and little all of us are. You, sire, were admired by us for many years for uniform courtesy and kindness to everybody about you, for espousing the just causes of the poor and helpless in a country where feeble, as well as blind, justice felt the need of your strong arm and clear reason, and, especially, for that wonderful power you possess of raising mortals nearer the sky, – for 15, 20 years while we believed you innocent. Now, we know you did this act of shame, we loathe, scorn, and despise you. We are vexed with ourselves when we think that you ever made us believe you were talented at all.

These persons knew what they were about when they made that accusation. They knew it would turn our natural repugnance to the crime into prejudice against the criminal and they knew, also, that whether true or false, it would be believed. We believed, or are very much inclined to believe, that which we wish to be true without scrutinizing the evidence. To conclude with Mr. Benjamin, I will say this: I fear the story told of him to be true. I have met with him about ten times – that is to say, I have been present, heard him speak, and have had a good opportunity of observing him. If you read my description of him again, you will see that I said something about his expression of face that I could not say whether it was natural or affected or something like that. I don't know how I got the impression, but I did somehow, that there was apparent, lurking behind that smile, the memory of a corroding sorrow, but from which the soul had at last, by dint of long and prayerful vigils, liberated itself. Speech often belies the heart. But nature has insisted in spite of all art that the soul shall speak the truth through the eyes. Oh! How fortunate is the thought we have that there is above us a good, just, and merciful Judge who knows all of our thoughts and actions; for knowing that we can pray, that we may not be led into temptation. He may have repented, but if the nail has been withdrawn, the scar, you see, is left to torment him. But suppose we knew the sins of his accusers. Should we not find the task of judging between them difficult? I shall have to beg your pardon when I remind you that our own John Hancock whose name we always see first and so conspicuously subscribed to our Declaration of Independence, robbed, stole, and embezzled the funds of Harvard College while he was its treasurer and that, too, when he had no need of the money. Yet, who of us can doubt his patriotism or question the good he has done. We should not suffer one class of facts to impair the force of others not necessarily connected. Who has enriched English literature, philosophy, ethics, and law more than Lord Bacon? And yet, while Lord Chancellor of the Realm and holding the seals, he thought it no harm to take bribes daily from suitors in his Court, until he had amassed an enormous sum of money.

. . . .

Remember me affectionately always. Much love to all. Imagine you are kissed by one who loves you dearly and always.

Charles

Judah Philip Benjamin (1811-84), of Jewish culture and British by accident of birth in a British West Indies possession, became associated with John Slidell (of the "Trent Affair") and Charles Magill Conrad in the practice of law in New Orleans, each of the partners eventually representing Louisiana in high governmental positions at Washington, and later, under the Confederacy, in Richmond. One doubts that the judge believed any of the monstrous yarns about the great advocate, Benjamin. The blame heaped upon him in the South, for the loss of Roanoke Island, did not come until 1862. The fact that Puritan-by-nature, if not by-birth, Jefferson Davis appointed him successively attorney general, secretary of war, and secretary of state of the Confederacy, nullified most of them. Only in one spot could the slander hurt him, namely, that his young Creole wife forsook him in Washington and eloped with an officer attached to the Prussian legation. Benjamin escaped to England after Jefferson Davis' capture, and there built up a large practice. Lawyers will remember him as the author of the book known familiarly as *Benjamin on Sales.*

Josiah Quincy's *History of Harvard University*, published in Cambridge, Mass., some twenty years (1840) before Fernald's letter, gave wide publicity to John Hancock's shortcomings as treasurer of Harvard, and included a letter to him from the president of the board of overseers stating (p. 517) that, notwithstanding their repeated requests, the accounts had been withheld.

Though Francis Bacon was dismissed in May 1621 for corrupting justice while lord chancellor, he claimed that he had taken no presents from suitors before the case in question was practically decided. Sidney Lee makes this clear in his *Great Englishmen of the Sixteenth Century* (New York, 1904), pp. 234-35.

Santa Barbara
9th February 1862

Dear Hannah,

Our road has been impassable for more than 6 weeks, so we had no mail. Yesterday, however, the steamer arrived, and fortunately the Postmaster at San Francisco forwarded us a mail by it on his own responsibility. I am particularly obliged to him for your dear little note of 20th of December came to me. How sorry I am, darling, that the wedding wreath and bouquet went astray. I am very sorry, darling, but I will try to find another. The wreath must be accounted for (that is a law term). Put the Captain in the Pillory – apply the thumbscrew or boot or cat-o-nine tails and make him reveal what he has done with it. We must have orange flowers, darling. I am superstitious about it. The flower must have an odor. I will find some in New York. I wish I might take the heat from Panama. Pray, be careful, dear Hannah, of your health. How I dread to think of your horrid climate. The wonder is that there is anybody alive there. It is not so much the cold I fear – it is the freezing and thawing of March and April – the slop, mud, and penetrating dampness and humid atmosphere that kills. Remember about the large, thick English shoes. The feet are the disease conductors. Captain Winder's fidelity to the Union is, as you say, "a splendid instance" but you don't say of what. My belief is that it is fidelity to his wife – another proof of the wonderful influence of your sex. Without the influence of his northern wife, he would doubtless have been guided by reasons purely political. Is it not so?

I have been very much occupied all winter and I am now, thank heaven, seeing my way clear to leave in a very short time. You have read of the heavy rain, the rising and overflowing of the rivers, and the destruction of property. Since I last wrote, however, the rivers have again swelled higher than ever and we read of many sad and distressing deaths by drowning. In some instances, the occupants of houses along the riverbanks have saved their lives by making rafts and paddling away into the interior, naked and starving. Mention is made of the loss of 150 lives. One of our citizens lost his life last week by attempting to cross a small, but rapid stream a short distance below the one I told you about having crossed last Christmas a year ago. My loss of sheep is not large – not over 75 or 100. I have been very fortunate. The sun is now shining out – warm and pleasant, giving life anew to every flower and plant. The buds on the vine will soon swell. The almonds are white with fragrant blossom. The birds pour forth their sweet music and seem to be seeking their summer habitations. There is one beautiful little bluebird hopping and hovering about my corridor, inspecting every part of it. I hope the friendly little sprite is pleased with the premises. I am pleased with such tenantry. I am so thankful for your good letter, dear Hannah. Just think how long a time I passed without any word from you. For something over six weeks there was no mail – the roads were impassable – or, rather, there were no roads at all. So, of course, I could not expect to hear from you. There was nothing to be gained by writing to you either, for the letters could not be sent away from the office. Such an amount of perplexing business as I have had to transact during the past two months. Oh! what a place to do business in. I was about to tell you something of it, but I won't now. We have, as I told you in my last, a battalion of volunteers here, and their afternoon parades and drills are quite a feature in Santa Barbara life.

Give much love to your good mother.

Forever yours – Charles

Capt. William Winder, U.S.A., married one of Hannah's Goodwin cousins, Abbie. His loyalty was never questioned in responsible quarters and he was commandant of Alcatraz in 1863, a sufficient proof of the fact. But as the one-time intimate of Albert Sidney Johnston, and the brother of Charles S. Winder, C.S.A., the brilliant boy who led "Stonewall" Jackson's original brigade ere being killed at Cedar Mountain, Va., he was continually the butt of stray insinuations by Union men, who could perhaps have advantageously substituted common sense for some of their zeal. He saw friends and professional associates court-martialed, and it is barely possible that only the influence of Ichabod Goodwin, his father-in-law and war governor of New Hampshire, saved him from a like fate. It is also possible that the judge was right and that Abbie controlled his natural inclination to join Lee, Johnston, and his brother under the Stars and Bars.

California Sidelights on the Presidential Election of 1864

By WILLIAM ZORNOW

PREAMBLE TO 1864. – In the months preceding the presidential election of 1860, editors of California newspapers had not hesitated to call a spade what, to them, at the particular moment it appeared to be. For example, in the spring of that year, when the house of representatives adopted a resolution providing for an inquiry into President Buchanan's possible connection with improper means of influencing legislation, the *Butte Democrat* (Oroville, Butte County) of April 21, 1860, had this to say:

> Throughout the whole history of party warfare in this Republic, where the rancor of partisan feeling has occasionally been raised to an extraordinary degree, no such diabolical plot has heretofore been recorded. – It has been left for a Black Republican House of Representatives to cover itself with eternal infamy by the inauguration of such a detestable system of electioneering or party warfare . . . we are morally certain that a plot so vile in its conception, will eventuate to the advantage of President Buchanan and the Democratic party, and cover its projectors with merited infamy.

At Marysville, in Yuba County, the *Daily California Express*, also an organ of the Democrats, made a practice of heading the editorial columns with its candidate John C. Breckinridge's dictum, "The Constitution and equality of the States. Let these be the rallying cries of the People." But rallying cries that emanated from the Stephen A. Douglas wing of the Democratic party were extremely irritating to the *California Express*, and it said so on August 13, 1860:

> The central organ of the Douglas party, the Sacramento *Union*,* sets up a howl against the Democratic party, and with its accustomed recklessness and effrontery, charges it with disunion. The Marysville *Democrat* follows closely after and

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*Douglas was removed from political and all other earthly scenes on June 3, 1861. The Sacramento *Union* became a strong supporter of Lincoln.

reiterates the cry of disunion and secession. Such are the detestable tricks resorted to by those who know that they can accomplish nothing by reason and fairness. They, therefore, attempt to influence the passions and to arouse the prejudices of their readers, by assuming positions against the Democracy, which are wholly untenable; and, at the same time, skulking from the responsibility which rests upon their own party.

A month later (Sept. 15, 1860), the *Express* was still worried about the propagation of fibs, of no small dimensions, in the news: "There is an old saying that a lie will go a thousand miles before truth can get on its boots. The opposition . . . appear to be acting upon this principle. Falsehoods base and uninstigated are scattered broadcast for the purpose of deceiving the people. . . ." It then reminded its readers that the news which reached California was conveyed by Pony Express, almost exclusively through opposition channels; it was "so fixed up as to favor the opposition and misrepresent the Democratic party."

Two months of argument, via the press and the platform, pass; and on November seventh, the day after the election, the *Alta California* of San Francisco feels sure that, when the slow process of vote-counting is over, the results will show, so far as California is concerned, that "secessionism can never obtain a foothold here. Not a State in our glorious confederacy but is represented in California by its most gallant sons and fairest daughters, and none amongst these are so disloyal as to countenance for an instant, any movement tending to the disunion of these States." On November seventh, the *Alta,* under the heading, "To the Victors Belong the Spoils," gives the annual salaries of the collector of San Francisco ($7,500) and of a long list of lesser officials – including two watchmen at $1080 a year – "for the accommodation of the friends of the 'rail splitter,' who are willing to fill the vacant offices, if pressed upon them. . . ."

"The most gallant sons and fairest daughters," singled out by the *Alta,* might be said to be loyal to the union of the states, but, as will appear later, there were also others from beyond the borders of California who were not opposed to creating disunion in the Republican party – who were, in fact, agents sent west for that specific purpose. The California Republicans, on their part, realizing that much of their success in 1860 and 1861 was attributable to the non-Republican loyal vote, saw the wisdom of dropping their former designation in favor of one based on loyalty. Late in 1861 and again in June 1862, they tried to persuade loyal Democrats to fuse with them under the name "Union party." But the Union Democratic state central committee, meeting in San Francisco on July 2, 1862, replied that the Democratic party adhered "immovably to its distinctive organization" and saw no necessity as patriots to abandon it.[1]

Lincoln began his first term as president on March 4, 1861. On April twelfth, Fort Sumter was fired upon by Confederate forces; three days afterwards the president called for volunteers, and in less than a week (April 21, 1861), in downtown New York, placards were posted bearing the exhortation, "Californians to Arms!" and announcing that a meeting was to be held that day, to form a "California Regiment."[2] In California itself, military companies had been forming for several years in areas where treasonable activities were suspected.[3] On January 1, 1863, Lincoln issued his proclamation of emancipation, and within a few days (Jan. 6, 1863) the California legislature declared its approval of the proclamation by a concurrent resolution which read as follows: ". . . that the loyal State of California receives with earnest favor the recent proclamation of freedom issued by the President of the United States and Commander-in-Chief of the Army and Navy, regarding the policy of the measure as necessary for the success of the efforts of the Government for the suppression of a desperate and wicked rebellion . . . and we hereby pledge to the measure the cordial and earnest support of the people of California." The vote was: ayes, 31; noes, 8.[4]

The next day (Jan. 7, 1863), in his address to the California legislature at the opening of the same session, Gov. Leland Stanford warned that no people "who fail to keep alive their military spirit can long retain the respect or confidence of other nations. . . ." To him it was just as important for constituted government to cultivate a martial spirit in the rising generation as to cultivate their intellectual and moral powers. Nor should "the philanthropist or advocate of peace disapprove of the careful training of our youth in a science that may be the means of preventing war. . . ." Emancipation of the slaves was necessary as a war measure, said the governor, but "while intended to accomplish physical results it yet necessarily becomes a great moral Declaration. . . ."[5]

By the close of 1863, the position of the Union forces was such that on December seventh, upon taking office as speaker of the assembly in the new, 15th session of the legislature, William H. Sears of Nevada County, after referring to Lincoln's emancipation proclamation as a war measure — "because the institution of slavery was the vital power which sustained the rebellion" — was able to speak of the successes of our armies in the South, and of the ballot box in the North where the Copperhead party,* "the inlet of this great lake of treason which has inundated our land . . . has been sent to an ignoble grave."[6] And on December ninth, Governor Stanford, in his message to the same legislature, characterized the war as gigantic in its proportions, with a sublimity in its moral consequences "that overwhelm its material results. . . . Upon the wisdom of the present administration," he continued, "I feel that we may rely with unfailing confidence. . . ." The extent of their qualities of leadership "compels the conviction that an overruling power guides and directs them."[7]

RE-ELECTION – OR REPLACEMENT?

Election year 1864 finally dawned, and, on January twelfth, Assemblyman Thompson Campbell, an old friend of President Lincoln and member of the San Francisco law firm of Campbell and Brumagim, introduced a series of concurrent resolutions, known as Assembly Concurrent Resolution No. 13, indorsing "all the measures of the National Government to suppress the rebellion . . . and reaffirming the unswerving loyalty of the State of California." Vote: ayes, 59; noes, 8.[8] To take care of suggested changes in wording, a committee of free conference was appointed on January twenty-third. On February seventeenth it presented "sundry amendments," and authorized the then-governor, Frederick F. Low, to notify President Lincoln by telegraph that the Campbell patriotic resolutions had been passed.[9]

Section 3, paragraph 8, of this important document (given in full in the *Statutes of California,* 15th sess., 1863-64, pp. 546-48, being there called "No. XV"), states: "We indorse the financial policy of the Government, and the Legal Tender Law, as *the* great administrative measures for successfully carrying on the war against the rebellion, and which we pledge ourselves to defend and uphold." Section 6 consigns "to eternal infamy" the names of Copperhead members of congress who proposed sending commissioners to Richmond, Va., to sue for peace. "California will accept no peace which is not based upon an unconditional surrender." In Section 8, "heartfelt thanks" are tendered the army and navy; and, as peroration to the whole document, the resolution (section 11) recognizes in Abraham Lincoln "purity of life" and "the uncompromising, unsullied patriot"; that to his wisdom "the people of the United States are indebted for the proud position they this day occupy on the great map of the nations . . . and that while we revere and honor other noble patriots who have performed so well their several parts in this great drama, the people still look to Abraham Lincoln as the instrument selected by Providence to lead their country in safety through all its perils . . . and that we do most heartily favor his re-election." J. N. Chappell assemblyman from Shasta County, proposed the printing of 5000 copies of resolution No. 13. It was agreed to by both houses of the legislature; also agreed to was the proposal of Frederick Lux, assemblyman from Mono and Tuolumne counties, that 2000 copies be printed "for the use of members of this House."[10]

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*"Copperheads" were Northerners who sympathized with the rebellion; so-called from the copperhead snake, which strikes without previous movement or warning.

The activity of out-of-state agents, referred to previously, is seen especially in Salmon Portland Chase's voluminous correspondence, now in the Library of Congress and in the Pennsylvania State Historical Society.[11] Chase became Lincoln's secretary of the treasury in March 1861. Though, in that capacity, he performed notable services in improving the country's banking and currency systems, as pointed out in the document quoted above, his ambition to become president, himself, prevented wholehearted cooperation with his chief. In these manoeuvers John Conness, U. S. senator from California, appeared to be interested.[12] Chase's correspondence shows that even the high-minded Thomas Starr King, minister of the First Unitarian church of San Francisco since 1860, was claimed as a Chase supporter by one of the treasury-secretary's agents.[13] Yet this was the Starr King at whose death on March 4, 1864, the legislature of California, by a concurrent resolution, ordered the flag on the capitol in Sacramento displayed at half-mast, in honor of "one of our most eminent citizens . . . whose very name has been a tower of strength to the great cause of our country."[14] In King's honor, also, the front-page columns of the March 5, 1864, edition of the *Alta California* were bordered in black, and on the editorial page were transcripts of local utterances in praise of King, including a motion by Nathan Porter in the fourth district court, Judge J. Sawyer, that the session be adjourned out of respect for King. Since his arrival in California in 1860, "who," Porter asked, "has done so much in our State for the national cause as he, in checking the tide of treason and national corruption then so prevalent in our State?" The editor of the Los Angeles *News* of March 14, 1864, said of Starr King: "Among the first in this State to take a decided stand in behalf of the Government, he has never faltered, but throughout the State he has labored incessantly to keep the sentiment of the people right. . . ." The accuracy of Chase's correspondent in aligning King with the secretary's candidacy becomes still less credible in the face of King's words on March 28, 1863, in his speech, "Treason," where he reminds his hearers that we "must give up the idea that we can indulge in the usual party strifes safely, in a crisis-hour of history like this, or we shall be lost."[15]

In its editorial the same day (March 5, 1864), the *Alta* spoke of the thousands in the Confederate States who are "heartily sick and tired of the war," but who will go on resisting if they hear that the continuance of the present administration is threatened. "If, on the contrary, they should learn within the next few months that Mr. Lincoln had been renominated by acclamation, and that the prospect before them is four years more of war, very little enthusiasm for the rebel cause would be left in Dixie. . . ." The end result of designs to "supplant" the president, said the *Alta*, is to give, though unwittingly, "great aid and comfort to the enemy. No new man can surpass our Chief Magistrate in his ardor for the cause of the integrity of the country, or in his earnestness and devotion to the grand idea of the Epoch. Why, then, should a change be made?"

The California public was not oblivious to Chase's "supplanting" schemes. Following the eastern announcement, the first week in March 1864, of his withdrawal, supposedly, from the presidential race, the *Alta* said in an editorial:

> We have to-day the gratifying intelligence that Mr. Chase has retired from the Presidential contest, and recommends the reëlection of Mr. Lincoln. Under these circumstances we do not know what will become of the gentlemen who have been tuning their voices for hurrahs for the Secretary of the Treasury. The Custom House will feel as if a great load had been removed from the roof of that building. For some time past its inmates have been in a woeful state of mental disquietude. Those among them who have been whispering Chase, timidly at least, can now shout for Lincoln at the top of their voices.[16]

The Democratic state committee met in San Francisco on March 9-11, 1864, and issued a call for a state convention to meet in the same city May tenth, for the purpose of selecting delegates to the party's national convention in Chicago. The committee welcomed to the party all who were opposed to the policy of the present national administration, which was declared to be "subversive of the . . . union of our fathers"; when peace was made, it should be one that secured "equal and exact justice to every section of the American union"; it was apparent to the committee on resolutions that the object of Lincoln's administration was to abolish slavery, and, once this was achieved, they would proceed to centralize administrative power – a plan "utterly subversive of the rights of the states under the constitution."[17]

Later in the month, on March 24-25, 1864, came the Union party's state convention in Sacramento. President Lincoln's administration was endorsed "from the first hour of its existence to the present time," and the convention went on record as "unanimously in favor of his renomination." In endorsing U. S. senator, John Conness, the belief was expressed that "his official acts thus far have been fraught with great good to the country, and the people of this State. . . ." As to the Pacific railroad, the convention regarded it "as one of the most important measures of the national administration; and that the liberal donations by congress to aid in the construction of that great work entitle it to the thanks and support of the American people."[18] The above declaration in support of the president did not prevent one of Chase's agents in San Francisco from reporting to him, four days later, that there was discontent over Lincoln which could be crystallized in Chase's favor.[19]

The day (June 7, 1864) when the nominating convention of the National Union party, "representing the loyalty of the land," opened at Baltimore, the Sacramento *Union* discussed the situation editorially in these words: ". . . The military problem, once so puzzling and defiant, appears to be on the verge of solution . . . the tide of treason is at the lowest ebb. While the armies of the nation are marching on to decisive triumph, however, there is urgent need of vigilance to prevent loss through political wiles of what has been so hardly won by years of battling and bloody sacrifice." The Sacramento *Union* considered the nomination of Lincoln for re-election as "already assured"; the only opposition would come from Missouri. But differences could be expected in framing the platform. For instance, how dead was the Monroe doctrine? Maximilian, urged on at first by Mexican exiles and later by Napoleon III, had accepted the crown of Mexico and had landed, supported by French arms and finances, at Vera Cruz on May 28th, a few days prior to the opening of the Baltimore meeting. A week or so earlier (May 20, 1864), the San Francisco *Daily Morning Call* had heartily condemned "our chronic constitutional enemies abroad," who were taking advantage of our difficulties for their own benefit. Two of them, England and Spain, had "backed down from the Mexican invasion, leaving to France the solitary disgrace of re-enacting the national murder of Poland, in Mexico. . . ." The Sacramento *Union* held that, in framing the platform, the question of Mexico should be left to the action of congress the coming winter, or that the resolution be clothed "in such language as will not embarrass the President at this time."

Regarding the vice presidency, one of those "eminent War Democrats who forgot their party in listening to the calls of an imperiled country will probably be nominated . . .," said the Sacramento editor. As between Daniel S. Dickinson of New York and Andrew Johnson of Tennessee – both of them Breckinridge Democrats before the outbreak of the war, but, since Sumter, "determined champions of the government" – the editor favored Dickinson. In spite of the "heroic devotion of the Tennessean," Johnson was from "the West," whence also came the president. The seaboard states were justly entitled to be represented on the ticket; furthermore, until civil government was perfectly restored in Tennessee, Johnson was needed there.

But the Baltimore convention held otherwise, and two nights later (June ninth), in Platt's Hall in San Francisco, a "Union Ratification Meeting" for the Lincoln-Johnson ticket was held.[20] Gov. Frederick F. Low was one of the speakers. Even though Lincoln's triumphant election was assured, the governor said, it was not amiss to mention "that there is another candidate in the field in the person of John C. Frémont. (Hisses.) In California, where Frémont is known and appreciated, I will only say that, in my opinion, he is an ambitious, bad man. . . . 'Rule or ruin!' is his motto. See to it, fellow citizens, that he does neither. . . ." And in his remarks at the same meeting, Ex-speaker of the Assembly William H. Sears further disposed of the Missourian's candidacy: "Frémont is put forward as a representative of the Cleveland soreheads, dubbed as a 'Pathfinder.' The path to the White House will never be disclosed to his vision until he finds 'Old Abe' at the threshold of the mansion with the key in his pocket. . . ."

Soon afterward came other warnings against over-confidence among Union-party members. According to the San Francisco *Call* of June 16, 1864, many who voted for Douglas or Bell or Breckinridge in 1860 were now for the Union party; also, most of the opposition to Lincoln that year (except the Douglas vote) was in the southern states, not likely to participate in the November 1864 election. Nevertheless, enough evidence was at hand to show that Lincoln's election could not be accomplished without the entire and earnest aid of every Union man. Explaining further its conviction in this respect, the *Call* said:

> A blind faith in his election will surely work his defeat. It is to arouse every Unionist to the work he owes his country, to prevent all lethargy, to insure success by giving reasons why work should be done from now until the election in November, that these remarks are made. Not to alarm, but secure triumph by cautioning against fatalism, we urge work, as well as faith. . . . True, Frémont is not popular here, but he has adherents, and his strength will all count against Lincoln.

The Sacramento *Union* had a special correspondent, Castine (Noah Brooks), in Washington.[21] In his dispatch of June 28, 1864, after disclaiming identity with the so-reported "Brooks of California," one of the secretaries of the Frémont Cleveland convention, and filling in the missing initials, S. H. Brooks – "more latterly in Dixie, as the most likely free-lover Secessionist" – Castine gives a detailed account, with quotations from the senator's arguments, of Conness' efforts to amend the regulations taxing gold and silver at the mines, and to substitute, instead, taxation at the mints and assay offices of the United States. Adoption of Conness' amendment was "a great triumph for the Senator," said Brooks, "and one which he can well afford to be proud of, as it is not often that any proposition is carried in open Senate against the Finance Committee, especially when [William Pitt] Fessenden, the able and immovable Chairman, is opposed to the measure."

Part of Castine's same June 28th dispatch from Washington had to do with the California and Oregon delegations to the Baltimore convention who were then in the capital, the latest arrival being A. J. Snyder of Yuba County, California. According to Castine,

> These strangers from the peaceful shores of the West appear to be surprised and disgusted at the virulence and openness of Copperheadism hereabouts, as contrasted with the loyal and healthful public spirit of California and Oregon. It is doubtless true that right here in the National Capital one will hear more disloyal talk than anywhere else out of Dixie – always excepting the interior of New Hampshire. . . .*

However, in spite of having been consigned "to eternal infamy," earlier in the year, by concurrent resolution of the California legislature, the Copperhead-party members on this coast were said by the Los Angeles *News* of August 11, 1864, to be "in full affiliation with the traitors on the Atlantic side, and endorse all their deeds of blood [specifically at Fort Pillow, Tenn., the preceding April, under Maj. Gen. N. B. Forrest]." From this it would appear that, at the moment, the "shores of the West" weren't so "peaceful" as Castine had painted them. To establish in the public mind what "The Issues Now Before the Country" actually were, the *Alta* of September 6, 1864, told why Abraham Lincoln had been nominated for re-election. Successive paragraphs began with the word "Because"; thus – "Because he has worthily filled the office of President during the last three years and a half.

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*Salmon P. Chase was born in Cornish, N. H.

. . . .

"Because his removal would be a concession to rebellion, tending to establish the rule hereafter that every party beaten in a Presidential election would have the right to take up arms and fight for the overthrow of the government inaugurated against their wishes."

On the face of it, this sounded childish – spoiled childish. But according to the Los Angeles *News* of September 22, 1864, one could not sit back and ignore such a heresy. ". . . we say to all newspapers, individuals, whatever may be your calling in this life, show your colors; now is the crisis – the turning-point in the cause of your country. It costs but little to show your 'colors'; but beware of the stars and bars."

On August 31, 1864, the California Union convention, in session at Sacramento, endorsed the Baltimore Lincoln and Johnson declarations, and also complimented John Conness on the support the senator had given the government in Washington: ". . . the loyal people of this State will hail with lively satisfaction his further co-operation with the administration. . . ."[22]

The time before election was growing short. Consequently, on the night of October fifteenth, a grand Union demonstration was staged in San Francisco, which the *Alta California* of the following day described as the "largest torchlight procession ever witnessed on the Pacific . . . the greatest ovation ever paid to a popular government." On the eighteenth there was what was termed "Another Union Mass Meeting," during which Platt's Hall was "crowded to excess, a large number of loyal ladies, as usual, occupying the gallery seats."[23] First speaker of the evening was Sen. John Conness, who was reported as having scored the secessionists in California and to have "denied the assertion of a portion of the press that he had quarreled with the President" – such rumors were ridiculous. Various members of the cabinet came in for praise, and he was said to have "especially dwelt on the financial ability of the Secretary of the Treasury. How different with the Copperheads. They are good on the borrow, but bad on the pay. . . ."

Suggestive of present-day diplomacy, many of whose threads seem merely to be pulling tighter the stitches in the political fabric of ninety years ago, is an editorial in the *Alta* of October nineteenth which affirmed the Union party's stand as the true party of peace:

> All its instincts are for peace. It is the party of industry and material progress. It prefers the triumphs of science to the laurels won upon bloody fields. It is now waging war vigorously and sternly, because it is only by war that we can have peace. . . . There will be no end to this struggle until the rebel strength is exhausted. . . . Lying alongside of such a power we would have, in a great measure, to give up the paths of peace; we would have to keep up large standing armies, and to fight on every provocation, for the day on which we should once falter would be the commencement of our decadence.

Are its readers apprehensive about future drafts, asked the *Alta*. The only way to stop them is "to fight it out vigorously now." Otherwise, self-preservation will "require constant drafting for generations to come. . . ."

The following day (Oct. 20), so that those who voted for Lincoln would know what they were doing, the *Alta* reviewed the Union party platform: steadfast prosecution of the war; justification of the emancipation proclamation; an amendment to the constitution prohibiting slavery; favor to foreign immigration, to the Pacific railroad, and to the Monroe doctrine; refusal to "grant any truce, nor pay for any damages done to rebel property by Union soldiers, nor assume any rebel debt, nor permit the reënslavement of negroes legally freed by the emancipation proclamation." Any state which proposed to lay down its arms and submit to the constitution and laws of the U. S. would be received into the Union "at any moment." This was reminiscent of Democratic candidate McClellan's assurance, in his acceptance letter early in September, of an immediate welcome to any state "willing to return to the Union."[24]

The prospects of the National Union party had been raised, according to the San Francisco *Call* of October twenty-first, by the state elections in Ohio and Indiana. These two elections had been "eminently satisfactory"; they decided "the political status of the great West." Pennsylvania, McClellan's own state, although close in its home vote, was strong for the Union. As for Frémont — in spite of his vote-getting power, he has seen "that there was no possible chance of his election, and, rather than by the remotest possibility aid in the election of the humble peace candidate, McClellan, has withdrawn." (It might be mentioned here that the Democratic presidential candidate, George B. McClellan, was expert in the peaceful aspects of engineering as well as the military, having been chief-engineer and vice-president of the Illinois Central R.R. between 1857 and 1860. George H. Pendleton, vice-presidential candidate, was a lawyer; at the time of his candidacy he was a congressman from Ohio and later senator.)

Just what was "Copperhead logic"? The Marysville *Appeal* of October 21, 1864, attempted to explain it by reminding its readers that all governments, from the first family dictator to the mightiest emperor of modern times, were armed with a sword, the symbol of justice, in order to restrain injustice and punish crimes. Then, bringing the general subject of authority down to the immediate question at issue, the *Appeal* asked:

> Has the government of the United States such a power? Did the fathers of the Republic create a Quaker government, and arm her soldiers with wooden guns? Build forts and teach her sons the arts of war, to win laurels in the field of peace? Or, were there provisions wisely made for the protection of the Government from insurrections by enemies within and foes without? The Constitution makes the President the Commander-in-Chief of the militia of all the States, and Congress is empowered "to provide for calling forth the militia to execute the laws of the UNION, suppress insurrections, and repel invasions. . . ." [Clauses in section 8 of the constitution were cited here.] Do these provisions sustain the Copperhead doctrine, that the Federal Government is subservient to State Governments, and that it has no power of coercion?

With the election only a few days away, the Copperhead party of Los Angeles County planned a barbecue, a device as old as – and maybe older than – the Gracchi. The Los Angeles *News* gave it some publicity:

> . . . The place selected for the barbecue is on Alameda street, just above the Orphan Asylum, and the Cops. who haven't had a "square meal" for a long time will probably get a chance to compass that desirable end. – Come, all ye "Jimocrats," especially those with empty stomachs, and get your fill of salt pork and hard tack. A mass meeting and torchlight procession is to be held on Saturday evening, and everybody who wants to hear the Government abused and the rebels excused should hear the speaking.[25]

RE-ELECTION

Then came election day itself, with last-minute advice from different quarters, among them an old mining area:

> We make an earnest and sincere appeal to honest Loyal Democrats who are tempted to vote for McClellan because he is the so-called Democratic nominee. Be undeceived, Loyal Democrats. There is only one Democratic party and that is the Union party. The men in this State professing Democracy and acting as leaders, are old Southern Know Nothings, Whigs, and Secessionists. The leaders of the so-called Democratic party to-day are more friendly to Jeff. Davis and Dissolution than Geo. B. McClellan, and openly support him because they believe his election will conduce to the cause of rebellion and the final success of the Independent Confederacy. This is as true as there is such a principle as truth.[26]

San Franciscans were given this to think about:

> ... The election in the United States on the 8th day of November, 1864, will be set forth in history centuries hence as the date upon which the great experiment of self-government became a fixed fact, or failed. ... We are to be the actors today in the grandest civil drama which the world has ever witnessed. The nations are the spectators. The voice which we shall utter will reverberate through the centuries, exciting hope in the breasts of the oppressed everywhere, or it will be the death wail of liberty, banished the earth forever.[27]

As to election-day weather on that questioning earth, it was "fair and [decidedly] warmer" in the San Francisco Bay-area:

> The lines of voters at all the polls were of prodigious length. In the Eighth and Tenth it took upwards of two hours to vote. In the latter district the line throughout most of the day extended southwardly on Fourth from the polling place to Howard, along the whole length of Howard – one of the large blocks – to Third, and northwardly on Third to near the Mission. For two and three hours each voter stood under the scorching sun, advancing not more than a step every minute.[28]

And by Sunday, November 20, 1864, enough returns were in, from across the length and breadth of the land, to warrant some editorial conclusions. Said the *Alta California:*

> Although the Democratic party is defeated in the nation and in nearly all the States, it is still a powerful organization, bound together by prejudice, interest, old associations, and misconceptions of the rights and duties of our Government. ... The Union party should not now grow proud and insolent in the moment of victory ... it should not ... imagine that it will always be victorious. ... A large proportion of mankind are influenced by their feelings. The best way of getting a fair hearing from their reason is to win their sympathy, or at least their respect.

In this way did the *Alta* editor place before his readers both caution and strategy, confirming what he had told them at the first indication of victory, that by their votes they had shown themselves to be "worthy citizens of the great republic which has surprised the world by the rapidity of its growth, the splendor of its prosperity,* the power of its rebellion, the sudden conversion of a nation of mechanics and farmers into soldiers, and the heroic devotion of a majority to the cause of the country."[29]

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*California's contribution in this respect was stated on January 5, 1863, by J. F. Chellis in his address to the state senate: "The products of our mines have gone forth by every steamer in unbounded measure, stimulating commerce, and imparting security and energy to the financial arm of the government." (*Senate Journal, 14th sess.*, 1863, p. 6.)

NOTES

1. H. H. Bancroft, *History of California* (San Francisco, 1886-90), VII, 291, 295-96; Winfield J. Davis, *History of Political Conventions in California, 1849-1892* (Sacramento, 1893), pp. 180, 182-86.

2. Paul Fatout, "The California Regiment . . .," *Calif. Hist. Soc. Quarterly*, XXXI (Sept. 1952), 229.

3. J. M. Scammell, "Military Units in Southern California, 1853-1862," *ibid.*, XXIX (Sept. 1950), 229-49; and his "Skulduggery in Northern California in 1864" (manuscript, Calif. Hist. Soc. library). *See also* Benjamin F. Gilbert, "San Francisco Harbor Defense during the Civil War," *Calif. Hist. Soc. Quarterly*, XXXIII (Sept. 1954), 229-40; and his "The Confederate Minority in California," *ibid.*, XX (June 1941), 154-70. On the formation of Union leagues in California communities, *see* Gen. George Wright to Gov. Leland Stanford, April 11, 1864, quoted in Scammell, "Skulduggery . . .," as above; also, Davis, *op. cit.*, pp. 130, 193.

4. *Journal of the Senate during the Fourteenth Session of the Legislature of the State of California* (Sacramento, 1863), pp. 21-23.

5. *Ibid.*, pp. 34, 46.

6. *Journal of the Assembly during the Fifteenth Session . . .* — hereinafter called *Assembly Journal, 15th sess.* — (Sacramento, 1864), pp. 9-11.

7. *Ibid.*, pp. 65-66.

8. *Ibid.*, pp. 198-99.

9. *Ibid.*, pp. 249, 371; Noah Brooks, "Two War-Time Conventions," *Century Magazine*, XLIX (March 1895), 724-25, says that Thompson Campbell "had known Lincoln intimately during his young manhood in Springfield, Ill."

10. *Assembly Journal, 15th sess.*, pp. 386, 400, 405, 409.

11. *See* general estimate of Salmon Portland Chase's services in the *Dictionary of American Biography;* and, for a specialized study, Donnal V. Smith, *Chase and Civil War Politics* (Columbus, Ohio, 1931).

12. Conness to Chase, Oct. 24, 1863 (Chase manuscripts, library of congress), where Conness assures the secretary that he "would render homage to [his] Creator if [he] knew that this country could have such a man for its next Chief Magistrate." *See also* Donnal V. Smith, *op. cit.*, pp. 89-90; and Harry J. Carman and Reinhardt H. Luthin, *Lincoln and the Patronage* (New York, 1943), pp. 112, 231.

13. Thomas Brown to Chase, Oct. 10, 27, Dec. 2, 1863 (Chase manuscripts, library of congress).

14. *Assembly Journal, 15th sess.*, pp. 461-62.

15. Quoted by J. A. Wagner in "The Oratory of Thomas Starr King," *Calif. Hist. Soc. Quarterly*, XXXIII (Sept. 1954), 226.

16. *Alta California*, March 11, 1864.

17. Davis, *op. cit.*, pp. 208-209; William Zornow, "Campaign Issues and Popular Mandates in 1864," *Mid-America*, XXXV (Oct. 1953), 195-216.

18. Davis, *op. cit.*, pp. 205-206.

19. Brown to Chase, March 29, 1864 (Chase manuscripts, library of congress).

20. Sacramento *Union*, June 13, 1864.

21. *See* Robert E. Blackmon, "Noah Brooks: Sometime 'John Riverside,' 'Castine,' *Alta* Editor, etc.," *Calif. Hist. Soc. Quarterly*, XXXIII (Sept. 1954), 193-217.

32. Davis, *op. cit.*, p. 210.

23. *Alta California*, Oct. 19, 1864. On the same day, the San Francisco *Call* said that Conness was received at the San Francisco meeting "with every manifestation of favor and even delight by the immense audience. . . ." The Marysville *Daily Appeal* began a transcription of his address in its Oct. 21st edition and concluded it the next day.

24. Carl Sandburg, *Abraham Lincoln* (New York, 1954 [one-vol. ed.]), p. 550, in his comments on McClellan's letter, speaks of the general's having "deftly and gently thrown out the most labored point of the Chicago platform."

25. Los Angeles *Tri-Weekly News*, Nov. 1, 1864.

26. Marysville *Daily Appeal*, Nov. 8, 1864.

27. *Alta California*, Nov. 8, 1864.

28. *Ibid.*, Nov. 9, 1864.

29. *Ibid.*, Nov. 8, 1864.

Stephen Sears Smith

Hardwood Lumber Dealer of San Francisco

Including Transcripts of Some of His Letters

By Paul Odell Clark

(Concluded)

Aside from his business activity (which he relinquished in the 1870's), Stephen Smith found time to support the Second Congregational Church, of which he became a deacon. He had left the Rev. Albert Williams' First Presbyterian Church for the Congregational, this being the original church government, he said, in Connecticut. Several of the letters mention the fast growth of his church and its various activities in the city. Smith's views on child education included a healthy dose of Sunday school, and he continually adjured his niece to keep up her good work in the Higganum Sunday school: in this regard it might be noted that Smith volunteered to endow a chapel in his old village, Maromas, but nothing came of this gesture. Through his membership in the Congregational Church, Smith became an unpaid editor of the religious weekly *The Pacific*, which was the first established in San Francisco, August 1, 1851.[14] Whether Smith wrote for the journal is not entirely clear from his letters, though it is very likely. Josephine at least is given credit for providing "A large portion of the selected articles and stories for the children, then a feature of the paper. . . ."[15] The Rev. Ben F. Sargent thus summarized Stephen Smith's work for the church:

> He was honored by holding successively the office of deacon, treasurer, trustee, Sunday-school Superintendent, and always a Bible class teacher. Later he assisted in the purchase of the present site for the Plymouth Congregational Church. On the rear of the lot a chapel was built and a successful Sunday-school carried on. The old site on Taylor St. being sold about the year 1880, the present house of worship was erected. . . . In 1875 he retired from business and connected himself with The Pacific, not only giving his services freely, but cheerfully making up the annual deficits. In this position he continued for 18 years. . . .[16]

Most of these good works came to an end about 1887, when Smith's eyesight weakened and he was operated on for cataracts; one eye was blind, however. By this date Stephen and Josephine Smith had three grown children: Frank; Julia, who married Frank P. Barrows in 1881; and Gustavus, who married Ada Hill in 1893. Julia had at least two children, Albert Loyd and Stephen Sears Barrows. The latter lives in San Francisco and is a member of this Society. Josephine lived until January 1, 1902[17] and Stephen to March 5, 1907. In the 1906 fire he was reluctant to leave his beloved city of San Francisco, but his son Gustavus shepherded him across to Oakland. He perhaps then realized that his life had, itself, ended.

THE LETTERS

(Original spelling and punctuation retained)

Dear Friends San Francisco Feb. 27. 1850

I am well – as well as ever I was and comfortably situated – I suppose that you will expect a long letter telling all about this country – I have not time now to write it – the country lies out doors like any other and of course has rain and shine – cold and hot and all the changes of weather – The only snow we have had was last night – The climate is about the same as east Gennesse – It rains here in winter more frequently than it storms with you – In the summer they say it never rains –

San Francisco is quite a large place now – it has grown up within 8 months – everything here is put through with a jerk – while we at home would be talking about doing a man here would have it done sold and at something else – buildings come here ready framed and are put up and finished in 6 or 8 days lumber is now sold here at a loss – from 60 to 80$

The inhabitants are from about all parts of the world though new Englanders & Yorkers make up the majority – There are about 300 ships in the harbor from every part of the world – We have a state government – city authorities &c as regular as with you – As to the mines nearly all agree that they will not be exhausted for many years and Thousands leave here every week for them – Sacramento-Yuba city-Yuba-ville & Stockton are places to which steam Boats run and are all near the mines – six steam Boats run between this place [and] these cities – Stephen J. Field is Mayor of Yubaville and is represented to be getting rich –

California is no humbug – it will become a place of great importance in a short time – a more active-smart-go-ahead set of people never lived – I would advise no one to come here unless he can take the rough and tumble of the world as he finds it and live anyhow – Every man acts out his disposition here exactly as it is; if he would have been a drunkard at home and was kept back by the restraint of society he is a whole drunkard here &c –

Gold stories you can read about in the papers and so you can of the country but the country is not a paradise nor a hell but like most countries –

Some come here and are unfortunate and oh! how homesick – Some are lucky and in high glee – This is a swift go ahead country and all live pretty fast – so *good bye* – I hope to return home when I get through here and spend the rest of my days with friends and in quiet.

You remember about these shirts I suppose; they do me good service –

Respectfully Yours Stephen S. Smith

Dear Friends San Francisco April 1. 1850

The first thing to write is that I am as well as ever; or as well as I can be; and I think I can appreciate being well after being sick as I have been since I left home; for I had a hard time of it when I first came here – I have now become acclimated and like the country well and am just as contented here as I can be any where – The weather now resembles the latter part of May with you – sometimes it is quite cool in the afternoon which is peculiar to this place the sea breese coming in at the entrance of the harbor – San F– is situated on a sand bank the ground rising back of it to a high hill which makes the streets very steep so that the city overlooks the harbor completely and one has a view of some Three Hundred and fifty or Four Hundred vessels of all kinds and rigs – vessels are here from every part of the world, Russians, Prussians, Chinese and Duetch etc. – The city is now a large place and though inhabited by all nations a more intelligent ambitious wide awake go ahead set were never collected on one spot – here are churches Theaters, stores for all kinds of merchandise, work shops and all the variety of occupations in any city – some Dozen steam Boats run between this place and various points up the rivers and bay – This the point where cargoes are discharged and disposed of to supply all the cities up the rivers besides many goods are sold here and shipped to Oregon, the Pacific Islands Mexico South America and all parts of the Pacific – This will be a great city and as I think I am made for about such a country as this and such a place probably I shall stay here until I come home – As to Gold – the very stuff itself is here – no mistake about that and it will take many years to dig it all – or I might say all of it will never be dug – If one is doing business here he has to have his Gold scales as much as well as the avoirdupoise – it is no uncommon thing to see lumps weighing one or two oz. –

Discoveries of new diggings are made often and new cities are started of these things I only hear having never been farther than this place – Of the Sag Harbor people here few of them have made out much – Sylvester Cartwright who got here about one year and half ago is worth Fifty Thousand – Jno Bays [?] who has gone home did well; nearly all the rest are poorer than they came – Stephen Field is rich – he hit the right spot – One becomes rich or poor here very fast – The expense of living at a boarding house is from Twenty to 25$ per week – and if one is doing nothing this soon eats him up – When I first came on shore I could just crawl up to a publick house where Field had engaged a room for us two it was a sort of little room papered off in a garret of Three paces length for this we gave $28 per week and $1 per meal — Doctors bill $10 a visit and everything pro rata — you see by this that if one stops going ahead he soon goes astern — There is no standing still here and but one way to go and that is ahead. I expected when I came here a regular break up as everything was inflated especially real estate which was held higher here than in the business part of New York — city lots have been falling for the last few weeks so that now they are worth less than half they were — many have gone so fast that now they are pinched hard — have become involved and will fail as many have — The blow up will not be as great as I expected — Lumber sells here now for about Forty & Fifty Doll's — hardware given away — clothing about the same — all kinds Groceries are high Butter 90c saleratus 40c &c — If a thing is wanted it sells at any price if not it cannot be given away — I spoke about many foreigners being here but still everything is american so much so that I do not realize the distance I am from home — as to society there is none for there is too few women — It is a little odd to see so large a collection of young men; smart active and in their prime and so few females — no children and no old men — The native californians are a mean cowardly slovenly set they carry bales and do the drudgery about the streets — hunt and bring venison and beef to market &c

We have all sorts of delicacies from all parts of the world all sorts of dainties from France and all Europe as well as Girzly bear and venison from *our* own forests —; Bear meat is to be seen at any time in the markets — I suppose you think I am on the outside the world I.E. that part not fenced in, where I have to fight my way — I never lived among a more peacable set — have no weapon but an old jackknife and fear as little as I should at home — I gave away my revolver as soon as I came here — Frances do write me I have not had a letter since I came here

Respectfully Yours S. S. Smith

[*In margin:*] Do not think that I am here fretting around enough to wear ones self out it is not so I take everything easy and as it comes and have less fretting than I have had for years

Dear Friends San Francisco April 28. 1850

When at sag Harbor I used to write Two or Three times a year but now I am so far away and in the country where so many tons of letters are written that I must write oftener — I suppose you have talked over "I wonder what he is about" so now I will tell you I have a regular Grocery Store with one corner parted off in which there is a good bed and where I sleep as sound as one need to — I have a partner interested in the profits of this — he stays here the whole time and I am there a part of the day — just as it happens having what time I want to attend to my individual affairs — The building is about Ten feet from the water and on one side is a pile of Boards and on the other is a pile of Shingles —

It is at the foot of Mission street "Happy Valley" which is on the side of the city where most of the people live in tents — I think I never lived easier in my life — We have a tent near by where we cook eat &c as to my getting rich or poor I shall write nothing as time may tell a different story

The city is becoming more and more of a city every day — the Yankees here take hold in earnest — Trading and mining is all that is done very few turn their attention to farming — vessels arrive loaded with [people] who come on shore and are off for the mines in a short time — The miners succeed better than I anticipated they would and it will be many years before all the gold is dug — New cities are being built up daily almost on all the rivers bays &c — Ladies are becoming plenty here to what they were — Sunday is kept better than formerly and things become more and more like they are in the states — but there are no unmarried ladies here so all that we bachelors do Sunday evening is to talk over what times we have had among the girls and what we will do Etc. —

Frances I wish you would write me as I feel quite anxious to hear how Father Mother and yourself are — particularly how my coming away has affected mother — Mother I will endeavor to come back as soon as possible that is concidering what I came here for — and I think when I do return you will find my habits the same as they have been for years — I hope so

Frances I wish you would have the limbs cut away from them grafts which E. Arnold and I grafted as I think those apples will be good by & by— Tell Jno. Cook and *them Brainerds* that there are junks of Gold here as big as hens eggs — yes *bigger* — as large as my fist — tell 'em we have scoops like they have to handle sugar to shovel up the fine — Stuff 'em up GOOD, and then see their eyes *stick out* — I reckon their eyes would stick out some if they had been through what I have — Give my very best respects to Dea. Cone — Mrs Cone and Ann — also to Edwin Scovel —

Respectfully Yours S S Smith

Dear Friends San Francisco June 15, 1850

I shall write you if you never write me — I have not received one line since I have been here and care but little about it except that I should like to hear from you — However I will make all allowances for your situation — I know it would be a task for mother to write and as for Frances she has not always pens, paper, and the like before her as I have and if she has cannot use them quite as fast as this is done — Do you want me to come home to hay it this summer? If you do say so. . . .

We had a big fire here day before yesterday which has burnt over the most business part of the city — loss said to be Five Millions probably one half that — It was a big one and burnt fast.

I am well and fleashy with a pretty respectable pair of whiskers — at any rate they have been growing long enough to be — about one half of the community do not shave at all — dandies are as proud of a fine beard as they are at home of fine cloths — miners and every day men care not how they look and are too busy or lazy to shave — This is a peculiar climate it makes one stupid and is very different from yours — The other day the filling got out of one of my front teeth and I went to have it filled — The dentist went to and as he worked very slow and particular I went to sleep and woke about the time he had it done — paid him $8 — and went about my business — I have been to church this forenoon — Rev. Mr. [Albert] Williams whose wife is from Sag. H. is the pastor [see note 4 above] — It would surprise you to see a California contribution box — not a penny in it (we have none here) Quarters — halves — Dollars & Five Doll. gold pieces make it look very different from a plate of coppers — I reckon so —

When I was at home I used to hear how highly women were prized here — and when I first arrived I wrote you something about it — but women now are not so scarse nor so highly prized — not even worth as much as they were at Jamestown — Why I can buy them for $15 or (so) Just think of that! — But the explanation is that many very many are coming here from New S. Wales — and women are as anxious to come here [as] men and not having the means they bind themselves to serve six months after arriving here for their passage and the indentures are sold as named — some stay with their masters and some do not — so the indentures sell cheap.

A great many English and Irish are coming here from New Zealand & New Holland — some good some *bad — many bad —*

Just let me know if you want me to get the hay this year — My very best respects to mother Father and Frances —

Respectfully S S Smith

Dear Friends San Francisco Sunday June 30 /50

I rec'd yours which spoke about the goslins — that was the last, — and the last time I wrote you is not very definite in my mind but I think not since the receipt of yours — I send you papers by every steamer which I suppose give you as much trouble as comfort containing accounts of "big fires" "Lynch law" "robberies" etc. and as old connecticut is a long distance from Cal. I suppose that these accounts increase in magnitude according to the distance traveled over — Give yourselves no uneasiness about me I manage to live very snugly — quietly, and comfortable so far as my ranch is concerned — The night the man was hung I had been to visit parson Williams & Lady and was returning about Ten o'clock — In comeing to the corner of one of the streets I found myself in a crowd — stopped and enquired of those I knew what was going on — they told me — all was very quiet — he was being tried inside the building — saw one of the witnesses from whom I learned that there was no doubt of his guilt — made up my mind that I did not wish to see a man hung went home waked the men up and told them if they wished to they could — went to bed and to sleep — Going to see all the Eliphants and all the lions gets people into just about all the dificulties they get into — I never see any Eliphants, Lions or big animals — and when I find crowd trying to hunt one up I always keep out of the crowd —

I have been favored on account of fire none having come within quarter of a mile of me my place being on one side the city in "Happy valley" when I located there I put up a little iron shanty and poor miserable thing it was — it was about the first building in that part of the city — all about me for a great distance the ground was covered with tents — now the tents are all gone the streets graded and planked most of the lots are covered with buildings and occupied with New England inhabitants — ours being in point of morality the best part of the town — each locality of the city having its peculiar inhabitants Spaniards in one part — French, Cilanoes, Germans, Chinese, Hunakas, Jews, and Italians each in their respective quarters — The last fire swept over the worst portion — it being a hell of infamy —

The Germans are the best inhabitants — The chinese the most quiet and peacible — the greatest fault found with them being the size of their trousers which very much resemble two large bags crossed together at one end — they soon use the European dress; hat, boots and all, — We can learn much from the chinese

We have had no rain for about six weeks — If father had his grass here — the hay would never get wet — The old californians never cut any living as they did on rancherias or tracts of land Three or more leagues square — The cattle in thousands took care of themselves — all that was done to or for them was to brand them when young and kill them when grown up — The grass or wild oats — (one or other according to locality) grows through the winter and spring; when the dry season begins this heavy very heavy growth becoms ripe mats down of itself on the already baked up ground the sweetest kind of hay; on this the cattle fatten through the summer; there being no season when they are so fat as in the fall. . . .

Respectfully Yours S. S. Smith

I send papers every steamer

Dear Friends San Francisco Sept. 15, 1851

I have not heard from you since writing last [Sept. 1, 1851] — I have been to the mines and will describe what I saw — I left this city in the steamer Senator which is a large and splendid boat and is usualy crowded with passengers — Gentlemen from the city going off to look at the country stroll about and see — Men on business to the cities and towns up the rivers and men off for the mines — Leaving at Four o'clock we had the same view of the bay I described in my fourth July letter and arrived at Benicia just after dark — The next morning I found myself in Sacramento and getting breakfast as soon as I could I took passage in the stage for Mormon Island and Cullinia — Sacramento is situated on the Sac'o river and on a perfect plain — we rode over this plain for Twenty miles before we reached [?] or rather the uneven hills — It was very warm and dusty and I disliked the heat so much that I stopped at Mormon Island finding that I was already in the gold region and could have a sight of the Eliphant as he was in that vicinity — At this place the water was taken from the bed of the river and carried about two miles in a flume the miners were at work in its bed among rocks which nature had tumbled together and heaped up in all sorts of confusion —The place looked very much so far as the big rocks were concerned like the stream below the oakum Factory — The deposits of gold lie next the bed rock and miners have to dig to this to get the gold — Much gold has been taken out at this place this season — one company took out Two Thousand Dollars the day I was there — a claim is so many feet on the river a number of men holding adjoining claims work them together and form a company a number of companies Join together and construct a dam build flumes &c

In some places I could see the gold in the dirt and rock — and picked up some small scales with my knife — The gold will never all be dug in this country it is not found uniformly and Thousands will toil hard and get but little of it others will become rich in comparitively short time — The climate in the mines is calm and warm — one still dead calm — awfuly still no wind and scarcely a breath of air — clear, dry, no dampness no one thinks of taking cold — many sleep under trees in the open air — This is a free and easy climate one cannot fret much — a large part of the miners spend about all they dig "More or less" and live happy in their way for the time being knowing that when they want more they can dig it — The Sacramento valley is one great fertile and splendid flat; from the city to the mouth of the river — this flat extends on either side farther than the eye can reach over plains cultivated only now and then in little patches but when cultivated producing the best of crop's —

I shall probably sail from this place in the good clipper ship N. B. Palmer for Canton the latter part of this week so you will next hear of me from China — how long I shall st[ay] there I cannot say — and when I shall return here is uncertain —

Mother you can rest assured that I am now well and that I often think of you and have not and shall not so long as life lasts forget the splendid lessons you taught me when a child. If we ever meet as I hope we shall you will find my head and heart the same as formerly —

Give my best respects to Scovel Dea. Cone and their families and all others who may enquire —

Respectfully Yours S. S. Smith

Dear Friends San Francisco Oct. 1, 1851

When I last wrote I supposed that before this I should have been on my way to Canton, but the ship has been detained on a/c of difficulty in obtaining a crew — My business here being closed I have spent the time travelling about to see the country — have been to Sonoma to Nappa, to Vallejo (Vaellaho) and Benicia I like the parts through which I travelled very much — It was one undivided Oat field hill tops and all — The ship in which I sail is the "N. B. Palmer" perhaps you by looking over the old newspapers can find some description of her —

I think it is the best ship I ever saw — excuse me for not writing more — I have delayed till the morning the mail closes and besides am in no writing mood —

Respectfully Yours Stephen S. Smith

Dear Friends Canton Dec. 27, 1851

The last I wrote you from Cal. I told you the next you would hear from me would be in china — We sailed from San Francisco October 8, and arrived at Shanghai Nov 25, and was there just in time to have a thanksgiving dinner with a lot of yankees — Our voyage was very pleasant — we passed just to the north of the Sandwich Islands and sailed from there to the Ladrone islands in latitude nineteen and Twenty having a light fair wind all the way — From the Ladrones we shaped our course N.W. for the Yang-tze-yang river on which Shanghai is situated — on the memorable 13th Nov. we had a severe gale and I for the first time knew the sublimity of a storm at sea — At Shanghai the chinese are very friendly and I travelled about where I pleased The country is low and flat and is protected from the overflowings of the Sea by larg dykes — The rivers appear to be scattered about promiscuously making the whole country like a collection of Islands — There are no roads — everything is carried in boats — Animals are not used to carry anything all the produce of the land is backed about by men and in cities all goods have the same conveyance — Their land is all under cultivation and the ground for raising Barley Rice Cotton &c is dug up by hand — All their implements are rude and course compared with ours and of the use of machinery they are very ignorant They prepare the cotton for spinning by hand and the spinning apparatus is similar though inferior to the old spinning wheel —

The city of Shanghai looks old and smoky The streets are about eight feet wide and filthy — They have all the forms of society and one finds Bankers, Pawn Brokers, Grocers, Shoemakers Fur stores, Dry Goods shops, candy stands, all very similar to ours — A Mr. Taylor Missionary went about with me and as he could read chinese gave me much valuable information — At one shop there was a sign all kinds of foreign dry goods — we went into it and found american sheetings French velvets — English broadcloths and everything usually found in a large Dry goods store at home — We also found one price stores or as they were marked "not two prices" — Every variety of grade were found in the same street — the most filthy and disgusting beggars with every kind of deformity and the more wealthy borne about in palanquins — or as they are called here chairs —

We went to the theatre and found it an odd affair — a complete burlesque on theatricals — I was surprised to learn that Two hundred years ago this was a Roman Catholic cathedral —

From Shanghai to this place we came in a hurry with a fair wind coming one Thousand miles in Seventy hours — The climate here is much warmer than at Shanghai it being too cold there for comfort — here in winter it is about right for my system — All over china in summer it is very warm The inhabitants here are not so friendly as at Shanghai but more ingenious in manufactures We have now plenty of Oranges Pine, apples Bananas and other tropical fruits and I am having a very different winter from you — I have become so much accustomed to warm climates that I have now no desire to look into a north East snow storm as I once wrote you — I am as well as I can be — have had no sickness since I left you except a little seasickness which is no more serious than tooth ache and about as pleasant In the Ship we had a cabin fifty feet long by Forty broad — but one passenger beside myself — My state room was about seven by ten feet having a nice french beadstead and a good fat bed — Capt Low is a pleasant man and I had a very pleasant passage but one thing has happened to me rather serious — I have grown very lazy almost as lazy as when I was a boy and that you know is something serious —

Mother I received the lines you addressed me and it really did my soul good — that was the last letter I had from home —

I have remitted to Slate Gardiner & Co. from San F. Two Thousand Doll's and by this mail remit them Russell & Co's Df'ts for Nine Tou. D's — Of this please say nothing —

Frances I shall send you some presents by ship N. B. Palmer — My conscience has kicked me for not sending you a small df't from Cal. as it would be useful to you in getting a fitout — fitout — I am not certain as that is the word I should use but it is the only one that comes into my head —

Respectfully Yours Stephen S. Smith

Dear Brother San Francisco Nov. 20/61

. . . I have not made my pile yet as chances for makeing money are not as plenty as they were when I was here before — I feel no anxiety but that in time I may make as much as is needful for me. I have not the ambition to be wealthy I once had and can be satisfied with less — I like the country here and the climate and the people and though I may if life is spared return east several times still this is my home — We are now haveing about as cold weather as there is here through the winter ice froze on the street one night as thick as thin window glass — that is as cold as I have ever seen it —

I want you to get a lot of good White oak plank 1 ½ — 2 — 3&4 inches thick — 10 in. wide and upwards — It is used principally for waggon work and must be sound & free from large knots — from six ft. long and as much longer as the tree will cut to advantage — a heart check or shake is always in oak when seasoned but any other shake would not do — You will understand what I want when I say plank all of which will work into waggon work or good enough for waggons Pasture oak will suit quite as well if free from knots and defects — not square edged but the edge must be hewed nearly square to save freight which will cost about $30 per M — No matter how crooked — saw through & through and hew the edges — Good White Ash and hickory of same quality — this will do narrower — I want you to get Fifty Thousand feet and I may in the course of a few weeks conclude to say 100 Thousand feet — charge what will pay you well and I will send the money as you want it — write me when and how much money you want and I will send it at once — you can depend on this — I hope you will take hold of this and get at least 50 M feet. but if you cannot get that get what you can —

Can you get ax helves machine made — they are used here 34. 36. 38 & 42 inches long — also ox bows and sawed felloes for waggons — I shall probably make dealing in hard wood a business or part of a business and want such stuff for years —

There is oak here like western oak but it does not answer for purposes where strength and hardness are necessary connecticut oak is just the thing —

There is a great trade in Pick handles ax helves — spokes felloes — Waggon tounges &c

Let me know if there are facilities at Higganum to make these —

Please let me hear from you Respectfully Yours Stephen S. Smith

Nov 23^{d}

I have kept this two days thinking this matter over well — Do not on any account let anyone know that this stuff is for me — If you do you will be constantly imposed upon for people fully justify themselves in imposeing upon one who is or has been here — If I were to get it I should get what I could delivered in Higganum at the opening of Navigation also at Middle Haddam, or Middletown — tell the people to get good butt logs as long as they will work clear — free from knots of any size when it is delivered — I should overhaul it and if a plank had a bad end saw it off and have the edges hewed and trim off all defects — If some stuff had to be thrown away it will not amount to much there —

I suppose good timber can be got at Middlefield — I want just as good as can be got — hard old pasture oak if clear is just the thing — all should be butt logs — no tops — of Hickory anywhere from one log to five Thousand feet — ash to Ten Thou. ft. —

Be sure and charge enough to pay you well and I hope this will be the beginning of a business at which both of us can make something for years — get the stuff war or peace I will write further about shipping at some future time and tell who to consign to in New York — you will only have to ship from the river — It will be as well if it goes in lots of five Thousand or more at a time — dont be afraid of engageing too much for people only get about half they agree to —

The thickest stuff should be the widest and the proportion of thicknesses should be about 1½/5M 2in./5M 2½/5M 3in./15M 3½/5M 4/15 — if it varys from this I had rather have more 3 & 4 in — Perhaps at some mills it would be well to only engage 3 & 4 in 12 in wide and wider then you would not have to take the little narrow sappy side plank which are no good — There is quite a market for oak for ship work and the longest will sell for that — but the quality has to be better than what is used with you —

Will send a draft by express next steamer —

Brother Samuel San Francisco March 20, 1862

I have received yours of Feb. 8. and am sorry that getting the oak is giveing you so much trouble —

I have written twice adviseing not to engage more partly on account of the price and partly because I may not have money to pay for the whole of it when you receive it — It is my intention to put off shipping for the present or until I hear what J. E. & E may do about a vessl — I have had a dull winter the rains stopped business but I have a good lumber yard and anticipate a good seasons business — I must not send off money too fast — for this Lumber yard must be kept going —

From the dimentions given — a waggon maker can give you patterns for felloes these may be black or White Oak or ash —

If you think best it will be a good thing for you next season to get a big lot of black oak Waggon stuff—say ½ black and ½ White oak waggons are worn out here and black oak is used and suits — can you get it that would make spokes? — The dimentions I send now are sent that you may have something to work up short stuff now — If you will plan for getting waggon stuff and ship Oak hereafter I will send further dimentions — Your yellow oak will make good bent rims — hickory rims bent, for light buggies and hickory spokes and ax helves will be wanted — If you should visit a large waggon furnishing establishment you can judge what is wanted — I have written in previous letters what to saw the tops logs into — If my previous letters have not reached you and it is not too late to get logs — the top logs can be sawed into 6x6, 6x8, 6x10, 6x12 or 8x8, 8x10 & 8x12 if knotty — if not very knotty let it come rough edged — In my last I said send the short pieces of Plank if not more than 3 ft. long — this will do, but if the stuff is where you can have felloes and stuff on the Memorandum herewith cut it will be better —

I have thought that a little mill just below the bridge with a jig saw to saw felloes — a circular to rip up stuff and perhaps a lathe to turn spokes & ax helves would pay — Will send some money about the middle of next month if nothing unusual happens

Yours Stephen S. Smith

S. J. Hubbard San Francisco May 31, 1862

Dear Brother I have received yours of April 28, — It is a relief to me to hear that you have means to pay for the Lumber as I feared that my not sending you the money might embarrass you — I made the proposition to J.E. to buy on joint a/c because I thought it would be a better business for him and I supposed he could raise $4000 — I learn from him that he has not the means to continue the business — It will need at the very least $5000 — It should have $10,000 to carry it on well —

I wish you would take the business jointly with J.E. and get him to live in Conn. — I made the proposition to him and do not feel at liberty to make another until I know what he intends to do — He has written me that he would do what he could but that is too indefinite — I would much prefer haveing you and J.E. do it if you have the means — but if he concludes to stay in Sag H. I think it best for you and some one else to take the business — My last from J.E. is March 29. Would Charles Child be a good man for you? My reasons are these — I cannot pursue the hard wood and waggon material business and other lumber business together — I must do one or the other — My lumber yard I took in a part of the city suited for the oak and waggon material trade and to make a business I must have stock to deal in — Expenses here are large and it does not pay to do business at halves — My expenses will be at least $3000 per year they are now $200 per month — Unless I can be well supplied it will be better for me to deal in ordinary lumber altogether — I have declined a good salary — and have not made the arrangements I could and should to do an ordinary lumber business here — thinking that the business I propose will be better — I know it will be a year and a half before I can have a good stock here but am willing to wait if a good stock can be had then and thereafter — I think it would require the time of two or three to buy trees get spokes, see to haveing logs sawed spokes turned and other stuff manufactured I will ship some spokes & hubs in a few days for samples — and think it best to have patterns for shafts and other made here — I have not written to the Childs that you was getting oak for me have no objections to their knowing but keep California to yourself as long as you can or you will be imposed upon

[In margin:] My best wishes to Frances & the Boy.

When you ship take the thickness length & breadth in the middle of each piece and send me an Invoice of it

Yours S. S. Smith

[On a separate sheet:] confidential I do not know how J.E. is now — and what he would do at this business — I have seen him but little for several years — I think he would do well to buy trees — attend to getting them cut and hauled & sawed & get spokes — he would buy cheap and do that well — he would not do to attend to shipping on the river or in N. Y. — you would have to lead and he follow — The place where Edwin is — is good for getting ship Lumber — spokes — felloes & some other stuff — I think it would not be well to give him an interest in the business — It is his misfortune but I think it is so — he is not of sound mind — and not reliable — It would be necessary for you to go there and make the bargains and restrict him to seeing them filled — have him do only what is planned and laid out for him — He has so many vagaries that I think the Shakers and others would not have sufficient confidence in him — In Conn. you cannot get near as many spokes as will be wanted — If the Shakers are not too dear — and they would get them from their best timber many would be wanted and some other stuff — The hickory there is good — Edwin is too generous at times to bargain — It would be necessary for you to go there in the fall to buy and in the summer before it was shipped to see what Edwin had collected —

It would be very much like him to sell what he has now got in N. Y. —

One remark in yours has caused me some anxiety — you say — I do not know what J.E.&E. will do — "I would like to have this lumber sent to you" If J.E. does not ship it I wish you would — ship some soon — mark S.S.S. each piece —

From what you have written I infer you would be willing to take hold of this business — I have every confidence you will manage it well and right — Will you go and see J.E. soon and learn whether he will join with you and then get some one to join with you and him who will furnish at least $5000 — and share profit and loss — after seeing J.E. if an arrangement is made with him or not — I wish you would get some one with you and take hold of this business — without waiting to hear further from me — It being always understood that I am to plan & manage it and that whether J.E. or any one else is with you — it is your part to manage all affairs east — If J.E. & you do not take it — please get some one who will without waiting to hear from me — I hope I am not getting you into anything that will be to your disadvantage — I am willing to take my chances for business in this and my opportunity for other business is good — I would not advise you to borrow much, a person to take a joint interest would be better —
[On another sheet:]

S. J. Hubbard San Francisco June 14, 1862

Dear Brother . . . I wrote two weeks since requesting you to take a part of this business with J.E. and get some one with you who had means to carry it on — I hope you will be successful in makeing some arrangements to furnish me with Oak Lumber and waggon stuff as I think it will pay well — If you succeed there will be some more ship plank 2, 3. 4 5 & 6 in needed next fall and Ash if it can be bought reasonable — I would like some of the stuff like the specifications herewith late next fall — The spokes are shipped as specimens or patterns — some of the timber of them is poor If you get arrangements made and a place to manufacture I think it would be well to make Farm waggons and horse carts — or prepare the stuff so that it could be put up with little work here — The business can be extended much if there is capital to do it — I intended to say before this that the only object in hewing oak Lumber is to save freight — If no freight can be saved there is no use hewing — I understood that it made a difference in freight of $5. per M — I suppose you know more of Waggon work than I do — You could see what is made for this market at the steam manufacturing co. Elizabeth-port N. J. patterns for thills poles — spindles — rims Hubs should be got from there or in N. Jersey — The sizes on the memorandum were given me by a waggon maker — It is something I am not familiar with — so if you see anything you know to be wrong do not follow it — It is time some of the oak you have is shipped if the 1½ & 2 in is much knotty do not ship it each piece should be marked S.S.S. — send a memo. of length breadth & thickness of each piece — I shall wait with some anxiety to hear what arrangements if any you make as I must make my plans accordingly — Let me hear from you I am well —

Respectfully Yours Stephen S. Smith

Dear Brother San Francisco Oct. 1, 1862

Yours of Aug 22d was rec'd. I hope you have got clear of the draft — I never was in better health but the affairs of the country have made me gloomy this summer and I have sometimes wished I had a farm or some employment where I was not forced to drive ahead but I am in business and must plan and do — J.E. has written me that he will get what lumber and waggon materials he can with you but he never answers about attending to it in Conn. I have written him that I would keep on with what you and he could furnish provided he would go to Conn. and attend to it — I hope you will get some one with you who knows how to make spokes Hubs &c — what J.E. will do I do not know

I hope you will do what you can at getting trees whether J.E. is with you or not — some of the lumber had ought to be here in a month or two — and as I sell will send you money and whatever arrangement there may be will endeavor to make it saticfactory to you for the past season and for the future — Josephine should have quite a sum this fall — I have written her after laying by $300 to pay over to you —

It has always been my idea that the place where the money was to be made was as much in a mill in Conn. makeing the Hubs spokes &c as here and I think so still — If this business is carried on my position will be like any retail store shall need supplies once or twice every month — Middletown would be a good place to manufacture for materials could be shipped from there every month — in the winter by R.R. to New Haven — I would suggest getting White and rock oak logs as long as you can and get more 6x8 in. than last year — some long ship plank — three or four pieces 12 ft long 18 in square — anchor stocks — Black Oak the thickness for felloes and Poles — Rudder stocks 15 in or over — 30 ft. — I will write further what to saw into — the larger part of Hubs spokes &c should be for Farm & Lumber waggons almost any quantity of these — Less sets felloes than spokes as some felloes have to be made here A Lot of waggon material should be got early and stored in a building where there is a fire that It may be dry to ship early in the spring and be in season for the fall trade here — the Childs old store would be a good place to store it if got at Higganum — The spokes are the most important waggon materials and the quantity of other stuff got depends on the spokes — If some one who manufactures waggon materials will furnish the Hubs spokes &c and you furnish the plank — that arrangement will do — Will you consult father Child about this — he may know of some one at Deep River Hartford or New Haven

I wish you would enquire if there are Hubs & spokes to be bought at some town in Conn made from Conn. timber — I intend to send a bill of such stuff for you to buy or for you to get some one to buy — will send the money with the order —

I will congratulate you and Frances upon haveing another baby — children are blessings — I have enjoyed mine much — should now if they were here — though when I get engaged in business I think of nothing else — It is my nature to do but one thing at a time and do that with my might —

Yours S. S. Smith

Samuel & Frances San Francisco Oct. 23^{d} 1875
Dear Brother & Sister

I suppose you noticed the financial flurry here — well I went through it uninjured and without much inconvenience for which I bless God — We are about as usual. Frank lives at Redwood City about thirty miles from here — last May we bought a tannery and he is now turning out sole leather — the market is dull and he will have a slow time with hard work — he is taller than I am. naturaly a mechanic and takes great interest in his trade — Julia is at home Gustavus still going to school and trying to get hold of figures — makes very hard work of it or would if he tried hard —

I have thought a good deal about your boys — and as I wanted a full education myself and never got it I feel an interest in anyone who wants a full course of study — Frank & Julia went to our high schools and I can see a marked difference between the girls who come from our high schools and girls who graduate at Holyoke and other similar institutions east — our girls come out just as *they growed* — they have been well drilled in their studies and understand them — used to fighting their way — but are deficient in manner and the more refineing matters of every day intercourse which others have learned incidentally — No attempt has been made to teach them anything but their studies —

The same is true of the boys — they are under no religious or refineing influence I very much prefer the Academy with its morning and evening prayers and the good moral influence of a school where religion is respected — How it may be in the High school at Middletown I don't know — but here religion is ignored and the influence is not good The system is apt to make educated roughs — from what I have observed I think the Academy where boys and girls associate together much the best.

There is one notion country boys get that too many city boys have — If they can write a good hand and understand book-keeping they are fitted for business and can always find employment — There are here now Hundreds and I might say thousands of just such young and old men who cannot get employment and when they do get a berth the average wages paid is not as much as ordinary laboring men — about a week ago a firm advertized for one in a morning paper and before noon had 600 applications —

A clerk is selected for other reasons — in the Lumber trade usually a carpenter or a teamster — because they know the men — the customers — and know what they want — A boy with sufficient book knowledge for business is no more fitted for business than a man with a set of carpenters tools not knowing the use of them is a carpenter The successful business men here are men who begun life mechanics

If one is to depend upon an education — for a livelihood — in our day it does not do to stop short of a full college course and then the regular professional course — The course of study in a high school or academy fits one for labor — intelligent work — but one does not get above any kind of manual labor by it for all his younger days — Father used to tell me if I went away to school I would be good for nothing to work — I thought and insisted upon it that I could work all the better — and I did all my younger days —

My Frank has a good high school education — is an excellent book-keeper very exact in mathematics — draws well and has some of the ornamentals — French German &c — he did not wish to go further wanted to be a business man — I told him if he wanted to be a leather merchant the place to begin was the tan vats — and he begun there

Yours S. S. Smith

[In margin] Shall be pleased to hear from you

Dear Francis & Samuel San Francisco Dec. 25, 1875 Christmas

It is now Twenty six years ago since I arrived in this state which was then inhabited by 750 Mexican families and the Americans who had come here just before me — Few of the Mexicans had a piece of ground fenced — They were herdsmen with immense herds of cattle and horses and plenty of room for them — Now much of the land is very finely cultivated and produces in abundance — This city has nearly all grown since and is now one of the most wealthy and important cities of the world — I was then 30 years old — now 56 — though in good order for one of my years — still I feel that I am wearing out and that it is best for me to quit active business with all its risks and hazards — pay my debts — get things snug — and endeavor to spend what time is left me in the best way I can for my Master who has kept me these many years — One thing I try to be thankful for that I have been kept from the vices and crimes which have ruined so many about me and that God has helped me so that I have in some degree had strength to "Do justly love Mercy and walk humbly with thy God"

I have lived in a very wicked part of the world — seen it — had it before me year after year — I never want a boy of mine to see and be among the wickedness I have — but God has kept me — Teach your children the old ways Economy — Industry — honesty — truthfulness and the love and fear of God — and the necessity of dependence upon God for salvation from sin and strength to resist evil — Forgetting these things — and going into extravagance of liveing leads so many hundreds into vice and crime here — stealing in one way and another — There is so much of stealing to make a splurge and in high life and low life every where that I cannot help writing of the old principles of our fathers — our laws are made on the Presbyterian plan that *the few should rule the many* so we elect men who plunder us freely and our institutions are so framed that they can do it — that was the intention in makeing them — one thing you have to be thankful for that our puritan ancestors did not arrange your institutions for the protection of thieves — they are fixed for that purpose west of the Hudson River —

Well I find I have not written the most cheerful letter but I write of things I have thought of much and think are of the first importance —

We are as well as usual or nearly so — Frank is running his tannery but has a very dull market and will not make anything this year — he is taller than I am — Julia and Gustavus are at home — G. goes to school but cannot get hold of figures — long divesion he makes hard work of and frets over his sums a good deal — anything he has to commit to memory is not so hard for him — Josephine has not been as well as usual this fall — is better now —

Our rains have come in season and plenty of them so that farmers are now plowing all over the state — these are the "early rains" If we have the "latter rains" in april they will make good crops — last year the latter rains were small so that in large sections the crop was very small — The whole country is now covered with green and looks beautiful

I wish you a merry christmas and a happy new year both for yourselves and all the children

Respectfully Yours S. S. Smith

The boys who come here from the east say they want a country where they can skate and slede down hill and think the eastern states much better than this

NOTES

14. *See* Clifford M. Drury, "Presbyterian Journalism on the Pacific Coast," *Pac. Hist. Rev.*, IX (Dec. 1940), 463.

15. F. B. Cherington, *The Pacific*, LII (Jan. 9, 1902), 16.

16. *Ibid.*, LVII (March 7, 1907), 11.

17. *See* the two memorial articles in the *Pacific*, LII (Jan. 9, 1902), 16-17; and March 20, 1902, pp. 16-17.

News of the Society

NEW MEMBERS

NAME	ADDRESS	PROPOSED BY
	Associate	
Crocker First National Bank of San Francisco	San Francisco	George L. Harding
Kern County Land Company	San Francisco	George L. Harding
	Sustaining	
Mrs. J. W. Mailliard, Jr.	San Francisco	Continuing membership of the late Mr. Mailliard
T. A. Strobridge	San Francisco	Aubrey Drury
	Active	
Lloyd L. Allen	San Francisco	William Wallace Mein
A. E. Bennett, M.D.	Berkeley	Edgar M. Kahn
Mrs. Augusta J. Bennett	Santa Clara	Mrs. Everett M. Calderwood
Kirby Bennett	Cupertino	Mrs. Everett M. Calderwood
Max Brannan, M.D.	Merced	Membership Committee
Joseph W. Cooper	Oroville	Mrs. Rogers Parratt
Donald Craig	San Francisco	Miss Edith Slack
Mrs. Louise Wilson Dodgson	Fresno	Henry M. Andersen
Mrs. Ruby Hale Field	Palos Verdes Estates	Membership Committee
Raymond F. Foote	Los Altos	Membership Committee
Edward L. Frick	San Francisco	Francis P. Farquhar
Bulkley Southworth Griffin	Washington, D. C.	Membership Committee
Robert E. Halsing	San Francisco	A. T. Leonard, Jr., M.D.
Robert Ralph Hazelton	Martinez	Membership Committee
Mrs. Wellington S. Henderson	San Mateo	Allen L. Chickering, Jr.
Alexander P. Hixon	Pasadena	Robert P. Hastings
Mrs. Alfred Holroyd	San Francisco	Mrs. William Hanton
Edmund L. Keeney, M.D.	San Diego	Philip L. Gildred
Mrs. Frank B. King	San Francisco	Continuing membership of the late Mr. King

Name	Address	Proposed by
Lawrence Kinnaird	Berkeley	Mrs. Rogers Parratt
Lawrence A. Kruse	San Francisco	Francis P. Farquhar
Lew Larkin	Jefferson City, Mo.	Membership Committee
Clarence A. Leal	San Francisco	Membership Committee
Col. Arthur Emanuel Lindborg	San Francisco	A. T. Leonard, Jr., M.D.
Louis E. McDonough	Palo Alto	E. D. Bronson
Matthews Library, Arizona State College	Tempe, Ariz.	Membership Committee
Theodore Meriam	Chico	W. H. Hutchinson
Allan Metz	San Francisco	Membership Committee
Grant Morrow, M.D.	San Francisco	Resuming membership
Donald Myrick	Santa Barbara	David F. Myrick
National City Public Library	National City	Max Thelen
Gregory Robinson	San Francisco	Edgar M. Kahn
Mrs. Gustav E. Schier	San Francisco	Membership Committee
Wyclif Taylor	Riverside	George Cossitt White
Mrs. Robert C. Tipton	Los Angeles	Continuing membership of her mother, Mrs. Howard Derby
Mrs. Willard O. Wayman	Ross	Resuming membership of the late Mr. Wayman
Ernest E. Weihe	San Francisco	Francis P. Farquhar
Leon J. Whitsell, M.D.	San Francisco	Leon O. Whitsell

GIFTS OF RECOGNITION

To honor the following living persons, friends of the Society have made substantial monetary or other gifts:

Tamara Brown
Kenneth Michael Mackenzie
Lewis Madison Terman
Otis Buckminster Wight, M.D.

Book of Remembrance

On view in the Society's library is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund for the purchase of books and manuscripts. As each item is purchased, it becomes a part of the library, and has affixed to it a bookplate, perpetuating the memory of the individual honored, and bearing, as well, the donor's name. Below are the names that have been inscribed since the commencement of the memorial, arranged by year of gift.

1945

William Cavalier

1947

Edna Rodden Martin
Albert Leslie Oliver

1948

Mrs. H. Spens Black
Edwin T. Blake
Helen Kinsell
William C. Latham
M. Hall McAllister
Ruby McCormick
F. J. Morin
Frank M. Ogden
Mrs. E. O. C. Ord
George A. Pope
Mrs. George A. Pope
Edward J. Sheppard
Mrs. Leslie Symmes
Louise E. Wormley

1949

Oscar Thomas Barber
Edward Washington Bender
Lilian Hoogs Blaisdell
Hope Bliss
Philip Read Bradley
Eldridge Ayer Burbank
John R. Burns
Rumsey Campbell
Randolph Clement
Abraham Lincoln Danziger
Edward B. Field
Morton R. Gibbons, M.D.
Abraham P. Hankes
Thomas Norman Harvey
Virginia Utz Jobe
Arthur C. Kennedy
George Dunlap Lyman, M.D.
La Verne Scott Moss
Whitney Palache
Robert J. Parker
Ann May Perry
Mabel Gray Potter
William C. Sharpsteen
John Joaquin Smith
L. Deming Tilton
Harry C. Warren, M.D.
Ray Lyman Wilbur, M.D.

1950

Harvey Wetmore Beard
Katharine Esther Bennitt
George Mackey Cornwall
William M. Gilliland
Eliza Jane Gilman
Olive Martha Gould
Emelyn West Knowland
Ethel A. Krook
Abbie Hyde Lewis
James L'Hommedieu
Helen Flint Lyman
William O'Hara Martin
Haig Patigian
Barbara Peters
Minna Dohrmann Pischel
Margaret James Porter
Frederick Ortman Shumate, M.D.
J. D. Sweeney
Dixon Wecter
Betty Loren Whitsell

1951

M. Marian Atkins
Julia Stamper Berman
Edith Ward Berwyn
Clarence Leo Best
Eleanor Smith Boone
Frances Des Marais Brogan
Ella M. Brooke
Glada V. Elden
Edward Lilburn Eyre
Estelle Lyon Fay
Lowell E. Hardy
Grant James Hunt
Emma T. Kessler
Eva M. Koch

Richard Henry McCarthy
Arthur S. Maloon
Emily Oliviera
May Hawley Patterson
Mrs. Baltzer Peterson
Julia D. Sammer
Louis F. Sinsheimer
Henrietta L. Stadtmuller
Herbert F. Suhr

1952

Mrs. Marcus P. Bennett
Jessie Vaughan Harrier
Margaret N. Hart
Flodden W. Heron
Elizabeth Thacher Kent
Douglas Stuart Loud
Jean Parker McEwen
Irving Martin
George Lovett Merwin
C. O. G. Miller
John J. Newbegin
Frank H. Norcross
Thomas Wayne Norris
Thomas L. Phillips
Ruth Loring Richardson
Warren Russell
Irving M. Scott, Jr.
Willard Brown Thorp
Gordon F. Williamson
Willis A. Zane
Gonzalo Zapata

1953

Frank H. Allen
Arthur John Bancroft
Francis Edward Bishop
Herbert Eugene Bolton
Charles Philip Boone
Marie Wilson Bradley
Paul W. Brannon
Arthur H. Breed
LeRoy H. Briggs, M.D.
Katherine Thayer Cate
Bessie Hobart Chapman
Frederick Herman Coon
Florence Osterero Cullen
Lilly E. Davis
Jerry W. DeCou
Alice Eastwood
Maude Wyman Eberts
Paul Eliel
George August Fuhrig
Robert B. Gaylord
Frank Carroll Giffen
Mary Glide Goethe
Irene L. Goudey
Mabel L. Holmes
Frederick B. Kellam
George E. Kennedy
William James Laing
Winifred M. Menzies
Helen Knox Merwin
Olga M. Meyer
Katharine Hutchinson Post
J. Sheldon Potter
Laura Carmany Rulofson
Gertrude Miller Simmons
Lynn Townsend White

1954

Joseph Emmanuel Anderson
Rae Griswold Behrens
Leonard W. Buck, M.D.
William W. Carruth
Isaac Flint Chapman
Lilian A. Cross
Helen Richardson Espy
Minnie Walker Engs
Charles Francis Griffin, M.D.
Frederick Harvey
Armand Leon Hering
Emily Coey Hittell
Mary Pardow Hooper
Caroline Lendelof Johnson
Gerald Driscoll Kennedy
Charles M. MacGregor
James H. McDonough
John Ward Mailliard, Jr.
Ruth Comfort Mitchell
Ruby Muther
Martha Lamberton Osmer
William G. Paden
Paul P. Pitchlynn
Ida M. Reed
Thomas M. Robinson, Jr.
William Henry Shine
Willard O. Wayman

1955

Roy S. Folger
Dudley Kinsell
Mrs. Mark Requa
Reuben Lukens Underhill
Charlotte Anita Whitney

REPORT OF THE PRESIDENT

For the Year Ending December 31, 1954

It is a pleasure to be able to report to the membership that the year just ended has been one of progress in all phases of the Society's work. Perhaps it has been reflected best in the growing familiarity on the part of the public with the many services we are prepared to render — services which would be impossible without the wholehearted cooperation of the board of directors and the income provided by our sustaining, patron, and associate members, and by the solid block of active members who contribute the bulk of our revenue.

To investigate the question of new and enlarged quarters for the Society, a special committee, authorized by the board, was appointed by the president, its members to be called together by him, from time to time, when reports were available. Appointed to serve on the committee were the following: Kenneth K. Bechtel, Allen L. Chickering, Colbert Coldwell, Ralph H. Cross, Aubrey Drury, Francis P. Farquhar, and George L. Harding.

In addition to the annual open-house on Friday, February twelfth, seven luncheon meetings were held in San Francisco:

January 22, Walter L. Huber, "One Hundred Years of Engineering in California."

March 11, William E. Waste, "Photographs of California Missions," taken by his father, the late William Harrison Waste.

April 8, the Rev. Mr. Raymond W. Settle, "California Phases of the Pony Express."

June 10, Francis Price, "The Role of the Alcalde in Santa Barbara."

September 23, Russell F. O'Hara, "Mare Island Century: From Farragut to Now."

Mrs. Edna Martin Parratt, "Returning an Historic Call: Report on the Drake Anniversary at Devonport, England."*

October 14, Charles Kasch, "The Life and Death of Klamath County."

November 10, Carroll D. Hall, "Bonanza Inn — The Story of the Palace."

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*Mrs. Parratt's highly entertaining report was published in the *National League for Woman's Service Magazine*, San Francisco, XXVIII, Oct. 1954, pp. 11, 14. *See also* references to the Devonport event in the Society's NOTES, May, and June, 1954.

On May fifteenth, in recognition of the Mariposa centennial, the Society held its only out-of-town meeting of the year at The Ahwahnee in Yosemite Valley, with Homer D. Crotty, one of our vice-presidents, as speaker on "Experiences of Early Travelers in the Mariposa Region."

An event in which the Society itself played the role of guest took place on April twentieth, when the members were received at a tea given by the National Society of Colonial Dames in their newly-restored Octagon House, 2645 Gough Street, San Francisco. In June we participated, as usual, in the three-day celebration of San Francisco's birthday, for which Dr. Leonard, chairman of our own committee on historic names and sites, served again as general chairman.

During 1954, the Society was made the recipient of four bequests, generously provided in the wills of the late Mrs. Franklin Hittell, Mrs. Flora Coffroth Hughes, Mrs. Samuel Knight, and Daniel Q. Troy.

As to overseas activities — other than genealogical, in tracing California's cosmopolitan origin — our managing director Mrs. Parratt represented this Society, as did Admiral Nimitz the Drake Navigators Guild of Marin County, at a dinner given in June by the British navy at Devonport, England, as part of the 375th anniversary of Francis Drake's landing on the west coast. It was this celebration upon which Mrs. Parratt reported at the September 23rd luncheon meeting, mentioned above.

It is appropriate at this point to comment again (see president's annual report for 1953, in the March 1954 QUARTERLY, p. 79) on the success of our special publication No. 25, Drake's *Plate of Brass,* which was unanimously selected in 1954 for inclusion in the exhibition of western books, an honor which has been accorded to all special publications of the Society for the past seven years. In December 1954, our most ambitious project was completed with the appearance of publication No. 26, *Jedediah Smith and His Maps of the American West,* by Dale L. Morgan and Carl I. Wheat; this magnificent volume went out of print immediately.

The directors held ten meetings in San Francisco and one in Mariposa. Officers serving during the year were: Joseph R. Knowland, president; Francis P. Farquhar, Homer D. Crotty, and Ralph H. Cross, first, second, and third vice-presidents, respectively; Warren R. Howell, secretary; and George L. Harding, treasurer. Directors elected and serving were: K. K. Bechtel, Allen L. Chickering, Colbert Coldwell, Mrs. Richard Y. Dakin, Aubrey Drury, A. T. Leonard, Jr., M.D., Robert Watt

Miller, Carl I. Wheat, and Mrs. Dean Witter. In August Mrs. Parratt presented her resignation as managing director and author of the NOTES, effective February 1, 1955, which was accepted by the board with expressions of sincere regret. James de T. Abajian, the librarian, was appointed to serve as acting managing-director as of the same date.

January 28, 1955. JOSEPH R. KNOWLAND

GIFTS RECEIVED BY THE SOCIETY

December 1, 1954, to March 1, 1955

ALAMEDA
- George E. Kibbe
- W. Barclay Stephens, M.D.

AUBURN
- Miss Marian R. Hart

BELVEDERE
- Mrs. Richard Y. Dakin

BERKELEY
- C. H. Bissell
- Anson S. Blake
- Miss Elizabeth Boyter
- Ralph H. Cross, Sr.
- Mrs. Oliver Stuart Loud
- Hobart M. Lovett
- Mrs. Edwina Muth
- Mr. and Mrs. Rogers Parratt
- Mrs. John Hudson Thomas

BETHESDA, MARYLAND
- Harry W. Frantz

DANVERS, MASSATHUSETTS
- L. W. Jenkins

FOLSOM
- Mrs. Elma Atchison

GEORGETOWN
- Mrs. Amy Drysdale

HILLSBOROUGH
- Newton J. Hale

KIRKWOOD, MISSOURI
- Cyril Clemens

LA GRANGE PARK, ILLINOIS
- Thomas L. Brisch

LODI
- Mrs. Thomas J. Carey
- Mrs. Willard J. Robinson

LOS ANGELES
- Harry H. Clifford
- Mrs. Edward L. Doheny
- Farmers and Merchants National Bank of Los Angeles
- Mrs. Requa Russell
- Justin G. Turner

LOS BANOS
- Ralph L. Milliken

LOS GATOS
- Miss Mary MacRae Corbus

LUCERNE VALLEY
- Miss Martha A. Chickering

MENLO PARK
- Mr. and Mrs. Henry Cartan, Jr.

MERCED
- George Clark

MONROVIA
- Frank Martinez

NEWARK, NEW JERSEY
- John L. Klem

NILES
- Mrs. Joseph C. Shinn

NORTH PLAINFIELD, NEW JERSEY
- Mrs. Artie Dumont

NORWALK, CONNECTICUT
- Mrs. Hugh Cuthrell

OAKLAND
- Donald E. Cameron
- E. R. Creque
- Harold C. Holmes
- Mrs. M. R. Jones

PALO ALTO
- Mrs. Walter Burpee

George L. Harding

PIEDMONT
Mr. and Mrs. Allen L. Chickering, Sr.
Walter A. Starr

PLEASANTON
Mrs. James E. Anderson

PORTERVILLE
Mrs. D. M. Witt

RIO VISTA
Peter Cook, Jr.

RIVERA
N. E. Michel

ROSS
Mrs. William Haney

SACRAMENTO
C. M. Goethe
Mrs. Helen Holdredge

ST. HELENA
Miss Ivy M. Loeber

SAN DIEGO
Philip S. Rush

SAN FRANCISCO
James Abajian
Miss Edith Allyne
Miss Lucy H. Allyne
Kenneth K. Bechtel
Lubiano G. Biancalana
Miss Carmelina M. Bianchi
Miss Giovannina N. Bianchi
Mrs. Angus G. Boggs
George H. Cabaniss, Jr.
Kee Coleman Studio
Laurence V. Degnan
Sidney M. Ehrman
Charles Elsey
Henry H. Evans
Donald W. Fraser
William H. Gorrill
Roy D. Graves
Mrs. Vesta Hansen
Miss Florence Hazard
Miss A. Josephine Hewitt
Charles S. Hiden
Harry H. Hilp
Mrs. St. George Holden, Jr.
Warren R. Howell
Industrial Indemnity Company
Edgar M. Kahn
Lawton Kennedy
Miss Emma E. Kinne
Benjamin P. Lilienthal Estate
George F. Longsdorf
Mrs. George D. Lyman
Edward A. McBride
Mrs. C. O. G. Miller
Robert Watt Miller
James K. Moffitt
David F. Myrick
Edwin Letts Oliver
Miss Else Schilling
Porter Sesnon
Mrs. M. C. Sloss
Mrs. Sigmund Stern
Mrs. Mary Winkler

SAN JOSE
David S. Roy

SAN LEANDRO
Mrs. Emil P. Schlichtmann

SAN LORENZO
Mrs. Ivy Miller

SAN MATEO
W. Parmer Fuller, Jr.

SAN RAMON
Harmon Edwards
Miss Marietta Edwards

SANTA BARBARA
Elbert S. Conner

SANTA MONICA
Miss Edith Lamm

SOMERSET
Charles G. Nash

STOCKTON
Mrs. Gerald D. Kennedy

WALNUT CREEK
F. Hal Higgins

YUBA CITY
Mr. and Mrs. Donnell Greely

Recent Californiana

A Check-List of Publications Relating to California

Belden, L. Burr. Death Valley Heroine, and Source Accounts of the 1849 Travelers. San Bernardino, Inland Printing and Engraving Co. [1954] 78 p. $4.00.

Carvalho, Solomon Nunes. Incidents of Travel and Adventure in the Far West . . . a Centenary Edition. Philadelphia, Jewish Publication Society, 1954. 328 p. Illus. $4.50.

Evans, Henry. Bohemian San Francisco. San Francisco, Porpoise Bookshop, 1955. 32 p. Illus. 25 cents.

Feinblatt, Ebria, comp. Early Prints and Drawings of California From the Robert B. Honeyman, Jr. Collection; Loan Exhibition, December 10, 1954–January 16, 1955. Los Angeles, Los Angeles County Museum [1954] 44 p. Illus. 75 cents.

Greenwalt, Emmett A. The Point Loma Community in California, 1897-1942; a Theosophical Experiment. Berkeley, University of California, 1955. 236 p. Illus., ports. $3.50.

Guilfoyle, Merlin J. San Francisco, "No Mean City." Fresno, Academy Library Guild, 1954. 154 p. Illus., ports. $3.50.

Kip, William Ingraham. Early Days of My Episcopate . . . Oakland, Biobooks, 1954. 105 p. $15.00.

Larkin, Thomas Oliver. The Larkin Papers; Personal, Business, and Official Correspondence of Thomas Oliver Larkin, Merchant and United States Consul in California. Edited by George P. Hammond . . . Volume V, 1846. Berkeley, University of California, 1955. xviii, 333 p. Illus. $10.00.

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Marginalia

NOTES ON AUTHORS IN THIS ISSUE:

Gertrude K. (Mrs. Frank E.) Brown, a native of Washington, D. C., has spent thirty years in the service of the United States, in three of its subdivisions – those having to do with forest, land, and public survey. They have taken her, for approximately the same number of years, to Illinois, Colorado, and California; and she now makes her home in the southern part of the farthest west of the three.

Allen L. Chickering, former president of the Society and a director since 1931, will be remembered by readers of the QUARTERLY for his research on "Samuel Norris [Wilhelm Becher Christensen]: Litigious Pioneer," in the September 1946 issue. More recently (1953) has been his work on Sir Francis Drake, in connection with the Society's special publication No. 25, *The Plate of Brass*. The series of biographical sketches, published in the QUARTERLY from time to time under the heading "In Memoriam," and to which Mr. Chickering has been a frequent contributor, have been greatly illuminated by his personal knowledge of those about whom he was writing, among them Susanna Bixby Bryant, Henry Foster Dutton, Raymond C. Force, Morton R. Gibbons, M.D., Norman B. Livermore, Duncan McDuffie, Parker S. Maddux, C. O. G. Miller, Samuel Pond, Bernard Ransome.

The mother of Cameron Rogers was Beatrice Fernald, daughter of the two young people into whose lives, during the early 1860's, we are given a glimpse by the letters, edited by Mr. Rogers, that are included in this issue of the QUARTERLY. Mr. Rogers' birthplace was Santa Barbara; his alma mater, Harvard University (B.A., English literature, 1923), and he has spent his life in the field of literature, first, on the editorial staff of *World's Work Magazine*, then with W. R. Grace & Co. as editor of their *Grace Log*, dedicated to inter-American affairs. Among the books preceding his *A County Judge in Arcady*, are, to mention but three, *The Magnificent Idler: the Story of Walt Whitman* (1926), *Manila Galleon* (1936), and *Trodden Glory* (1949).

For a biographical note on William Frank Zornow and references to his published work, see this QUARTERLY, Dec. 1950, pp. 380-81, at the time of his article on Jeptha H. Wade and the transcontinental telegraph. In the March 1954 issue, pp. 49-58, appeared his transcription of Orlando J. Hodges' reminiscences of California, 1848-64. Mr. Zornow is assistant professor of history at Kansas State College, Manhattan. Just published by the University of Oklahoma Press is his *Lincoln and the Party Divided*.

AMONG OUR NEW MEMBERS:

The year of his graduation (1916) from Williams College, Bulkley S. Griffin joined the staff of the Springfield (Mass.) *Republican*, serving as city editor and

Washington correspondent, with time out for war, until 1922, when he established the Bulkley Griffin News Bureau with headquarters in Washington. World War II found him in Europe as war correspondent, from January 1945 until after the armistice. All the time, whether at home or abroad, he has been keeping up an early interest in Mark Twain. This has led him to study Twain's western surroundings, especially as they are described in the first-person narratives Mr. Griffin has been able to pick up in his tours of second-hand book shops.

Lew Larkin, a native of Missouri, is studying the distribution of Missourians in the west and the roles they have played. Part of his family live here already and are important illustrations of the great movement, while he himself hopes to make one of his frequent visits to the state into a permanent stay. Meanwhile, in spite of his work as head of the capital city bureau in Jefferson City for the Kansas City *Star*, he continues to add to his collection of Missourian Californiana and to study their contents.

As historian of Lake County, Henry Mauldin (*see* New Members, Dec. 1954 QUARTERLY) is not content to locate past events only in time but also by reference to the comforting stability of parallels and meridians, so that the drying up of a lake – and the blowing away of its dust – does not inconvenience his records. Indian records are his specialty, Pomo-ese in particular. The event that started Mr. Mauldin on his collecting pursuit was the placing of historical markers in Lake County, at the time of the California gold-discovery centennial, and his having been given the task of determining which events were worthy of such distinction. He had to be sure of his facts, and, at the same time, he had to be able to marshal them at a moment's notice; hence the filing system for which he is noted among students of Lake County history. In December 1953 the QUARTERLY published an article by Frederick J. Simoons on the development of transportation routes in Lake County, and in it are several references to Mr. Mauldin's valuable collection of "Notebooks."

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Rufus Allen Lockwood

By Robert P. Hastings

It has been reported that between 1827 and 1831 there were only two lawyers in all of California; by the end of 1839 there was but "unico abogado en el pais." But lawyers proved to be as susceptible as others to the lure of California gold, upon its discovery at Coloma in 1848. For the most part, already-settled communities, such as San Francisco and San Jose, were selected as their bases of operation rather than the gold fields, seemingly on the theory that indirect—for example, politics—rather than direct panning for gold would prove the more profitable. Stated arithmetically, out of a total of 37 persons composing the constitutional convention of 1849, 14 were lawyers.[1]

However, it was not the quest for gold nor a desire to have a hand in bringing about statehood for California, or even the intention of practicing law, that brought Rufus Allen Lockwood, an Indiana lawyer, to California. He was simply looking for new scenes and new faces, in the hope of forgetting old ones, including, as will appear, those of certain creditors.

Lockwood landed in San Francisco in the fall of 1849, having taken passage from New York, around the Horn, on the barque *Clyde*.[2] His destination was Mission San Jose, where he hoped to rejoin his old Indiana friend and former client, Elias L. Beard, then living near the mission.

Before his departure from New York, Lockwood, who had already concluded to forsake the practice of law, had played temporarily with the idea of purchasing a large supply of bottled liquors, to be disposed of at fancy prices to gold miners; but by the time the *Clyde* was ready to sail, he had decided to study medicine while en route to California. There is no evidence that he carried out his desire to practice it except on himself, upon his arrival in San Francisco. While suffering from a severe case of scurvy, he had proceeded to bleed himself; contrary to the prediction of a local physician, who said that death would follow, Lockwood immediately got well[3] and set out in search of his old friend.

Before Lockwood and Beard left Indiana, each had acquired a bugle of similar tone, so that, by a few well-blown notes, they would be able to locate each other "in the wilderness of California." Arrived at the mission, Lockwood trumpeted the notes of recognition and was welcomed by Beard, who described him as "covered with mud, gun on shoulder, knife and pistols in belt, bugle in hand—like a modern Don Quixote going to summon the surrender of a castle."[4]

Lockwood seems to have had no trouble in discovering the gaming tables,[5] but, after a few months, Beard persuaded him to forsake the tables and to assist counsel for defense in the then-most important land-title case, a case[6] which is said to have aroused more excitement in San Jose than the fact that the first legislature had met there, or that the supreme court was then in session.[7]

Lockwood's name appears with twenty-two others, including William T. Wallace, later chief justice of the California supreme court, as constituting the bar of "Pueblo de San Jose before the Judge of the First Instance in the Fall of 1849." Nearly thirty years later the San Jose *Pioneer*, editorializing about the members of the '49 bar, remarked: "... Of all those mentioned, Rufus A. Lockwood, was, perhaps, the most talented as well as the most eccentric.... He was, indeed, a rara avis [rare bird]—one of the most remarkable men of this age."[8] According to his own hand-written entry in the Lockwood family Bible, this rare bird was born at Greenwich, Fairfield County, Connecticut.[9] What his handwritten entry does not show, however, is that his real name was not Rufus Allen Lockwood but Jonathan Trumball Jessup, one of nine children born to Jonathan Jessup and Keziah Green Jessup, and a twin brother of Joshua Beal Jessup, who, being more conventional than Jonathan, continued to use the family surname throughout his life.[10]

Little is known of Jonathan's earlier years.[11] In 1825, at the age of fourteen and while his twin brother was in New York City learning the shipwright's trade, Jonathan, without notice or warning, left the family home in Greenwich and was not heard from until nearly three years.

It is said that he made several voyages to the West Indies, and acquired, according to the report of a contemporary (probably his sister), an "ugly scar on his left side which gave proof that he had met with at least one perilous adventure."[12] His father died a year after Jonathan's disappearance;[13] but whether the news had reached the younger man before his return, two years later, is not clear. He then is believed to have taught school near New Haven, Connecticut. This is difficult to account for, since he was scarcely eighteen years of age and his experiences had hardly qualified him for the job of schoolmaster. He may have been attracted to New Haven by the presence there of his first cousin, Rufus Allen Lockwood—seven years his senior and at that time a pre-divinity student at Yale College—for whom he had considerable respect. The real Rufus Allen Lockwood was the second of ten children of Daniel Lockwood and Sarah Jessup Lockwood, Sarah's and Jonathan Trumbull Jessup's father being brother and sister. Although there was a close physical resemblance between the two first-cousins, they seemed to be the antithesis of each other in every other respect. Jonathan's past record showed him to have been an adventurer, whereas Cousin Rufus, intent upon an ultimate career as a man of the cloth, had applied himself along conventional lines. In any event, Jonathan was living in New Haven probably in the latter part of 1828 and early 1829, and is said to have "recited his Latin and Greek to a Professor in Yale College."[14] He was not enrolled as a student at Yale,[15] a fact which has been erroneously assumed by others, although he seems to have distinguished himself for "proficiency in Latin" and for his "mastery of English Classics."[16]

But life at New Haven failed to satisfy him, and he departed as suddenly as he had arrived. This time he is believed to have enlisted in the navy and shipped aboard a man-of-war. His service was short-lived; he is reported to have become incensed at seeing a fellow-seaman flogged for an offense which Jonathan thought did not warrant such harsh treatment. His chance to desert came as his ship was standing off the Maryland coast, and he "went over the side," swam ashore, and made his way back to Greenwich.[17] Some writers maintain that he did not desert until his ship reached its home port, New York,[18] but this method of desertion is entirely too prosaic to believe.

He did not remain long in Greenwich. In the fall of 1829, he again disappeared, and his family next heard from him some eight or nine years later, when he had acquired considerable fame as a member of the bar at Lafayette, Indiana, under his assumed name of Rufus Allen Lockwood.[19]

It is not definitely known why or when Jonathan Trumbull Jessup took unto himself the name of his first cousin, Rufus Allen Lockwood. The appropriation must have occurred sometime between the fall of

1829 and August 28, 1832, at which latter date he was married under the name of Rufus Allen Lockwood.[20] One reason advanced is that his desertion from the navy made it convenient for him to be known by a name other than that which appeared in navy records. Upon this assumption, the change probably occurred immediately after the ship-jumping episode and was said to have been with the "advice and consent" of the father of the bona fide Rufus Allen Lockwood.[21] What the real Rufus thought about the appropriation of his name by a black-sheep cousin is not known. The real Rufus went on to graduate from Yale in the class of 1831 and from the Newton Theological Institute in 1834, and was ordained a Baptist minister at Newburyport, Massachusetts, on September 25, 1834. He accepted the call of a church in New Orleans and died on May 18, 1835, from "bleeding of the lungs."[22] Long before his cousin's death, Jonathan Trumbull Jessup had assumed and adopted for himself the name of Rufus Allen Lockwood.[23]

Having left Greenwich in the fall of 1829, Lockwood (as we shall hereafter call him, except for one other brief interval when he may have assumed still another name) worked his way to Buffalo on the Erie Canal and thence by ship to Chicago. At Chicago he is said to have met, by chance, a farmer from Romney, Tippecanoe County, Indiana, who convinced Lockwood that he should accompany him there. Lockwood found a job teaching school on a double-shift basis at Romney, where there were less than twenty pupils, and at Rob Roy, an even smaller town, not far distant. The Rob Roy part of the job did not last long; according to a contemporary witness, "some unpleasantness arose between him and his Rob Roy patrons, and the warrior-habit, which so distinguished him in later life, brought on a sharp collision.[24] Casting about in search of greener pastures, he abandoned his school at Romney and moved to Crawfordsville, Montgomery County, only ten miles from Romney, where he attempted to start a new school. The going was rough, primarily because he attempted to buck the opposition of an already-established school in a community which did not "contain material for two schools."[25] True to form, he permitted himself to become embroiled in a newspaper quarrel with his sole competitor. This put him out of the school-teaching business forever.

Meanwhile Lockwood had been spending his evenings and spare time in the study of the law. It is said that he applied himself so assiduously to the reading and absorbing of Blackstone that he could quote nearly the whole of it verbatim. He was admitted to the bar of the circuit court of Crawfordsville,[26] and on August 28, 1832, in Tippecanoe County, Indiana,[27] he was married to Harriet Hill by the Rev. Mr. Boyd Phelps, pastor of the Methodist Church.[28] Following their marriage, Lockwood and his bride left Crawfordsville for Thorntown in neighboring Boone County. Here he hung out his shingle and commenced practice as Thorntown's first resident attorney-at-law.[29]

The young bride and groom took up residence in one room of a Thorntown boarding-house. Upon non-appearance of the rent on the first due-date, his landlord brought suit for rent due and unpaid. Lockwood, as his own attorney, unsuccessfully endeavored to offset it with an unpaid bill owed to him by the landlord for tutoring the latter's son. Sufficient money to post an appeal bond being non-existent, the sheriff, under instructions from the landlord, levied execution on their only possession, to-wit, their bed, and sold it at an execution sale for less than $10.00. Referring to these early days of their marriage, Lockwood, many years later, said: "I never knew how my wife lived, I know I lived on potatoes roasted in the ashes."[30]

On March 31, 1834, he was admitted to practice before the Tippecanoe circuit court at Lafayette.[31] Eldon Erskine Lockwood, their first son, was born "Sunday, August 3rd, A.D. 1834, at Thorntown, Indiana."[32]

Lockwood first appeared before the supreme court of Indiana to present himself for examination as an attorney and admittance before that court. He was so embarrassed that he lacked the nerve to state his purpose for being there, and was saved through the kind intercession of his circuit judge who happened to be in the courtroom and made the appropriate motion on Lockwood's behalf.[33]

Pickings were slim for the young attorney. It was not until the November term, 1834, that he argued his first case before the state supreme court. His client had the misfortune to be charged with causing a young unmarried woman to be with child. The charge was based on fact, and a warrant for the father's arrest was issued by the overseers of the poor; but, in the court action that followed, Lockwood's knowledge of the Indiana bastardy statutes proved too much for the constable. The judgment of the trial court in favor of Lockwood's client was affirmed, upon the ground that, under the Indiana statutes of those days, a man could not be charged with bastardy until the child was born, following which event only the mother, and not the overseers of the poor, had the right to demand the father's arrest.[34] The records do not disclose the sequel.

While the financial rewards flowing from this court victory were virtually nil, the skillful way in which Lockwood had handled the jury trial and his exhaustive argument before the supreme court enhanced his reputation as a lawyer to be reckoned with. Two years later, Albert S. White, then a successful lawyer of Lafayette and later U. S. senator from Indiana, offered him a partnership which was accepted at once, and thereupon Lockwood moved his family to Lafayette. There, on May 20, 1837, his second child, a daughter was born. She was named Zenobia Angeline, and is said to have been his favorite child.[35]

Although partners in the same firm, White and Lockwood opposed each other in 1837 before the supreme court in an action for assault and battery and false imprisonment against a town constable, White's client being the constable. The Tippecanoe circuit court gave the judgment for the constable, but, on appeal, Lockwood's interpretation of the assault and false-imprisonment statutes proved too much for the older member of the firm, and the supreme court reversed the judgment of the trial court.[36]

The cause celebre in Indiana in the year 1837 was the trial of J. H. W. Frank,[37] junior editor of the Wabash *Mercury* (Democratic newspaper), for the murder of Lafayette's leading merchant in a scuffle which took place when Frank, the winner, attempted to collect a $12 pair of pantaloons, wagered on the New York City popular vote in the 1836 presidential election (Martin Van Buren *vs.* the Whig candidate William Henry Harrison), the merchant in insulting terms refusing payment. A Whig himself, Lockwood did not let a difference in political opinions between himself and his client deter him from the task at hand:

> Gentlemen of this jury, if any of you entertain political sentiments at variance with those of the prisoner's,—as I myself do,—I should think myself guilty of a gross indecency, were I to insult you by supposing that such a circumstance could induce you to violate the sanctity of your oaths by dealing unjustly with this unfortunate youth![38]

He appealed to the right of self-defense as being one of the freedoms which the citizens of this country obtained when they broke away from England: ". . . Is this right to be questioned with the people who call themselves the only nation of freedom beneath the wide expanded canope of Heaven? . . . Is the land of *Washington,* of JEFFERSON, and of JACKSON, the only country in which the right of self-defense is not esteemed sacred?"[39]

Sen. Newton Booth refers to the trial as "the most remarkable criminal trial that has ever occurred in Indiana";[40] Lockwood's "statement of the law" Booth found to be "clear and exhaustive, raising the distinction between murder, manslaughter, excusable and justifiable homicide, with metaphysical subtility, and mathematical precision."[41] Around the counsel table, before the Tippecanoe circuit court, sat the ablest lawyers in the state: four of them ultimately became U. S. senators, and one, the chief prosecutor, a much respected federal judge. But it was Lockwood, then only twenty-six years of age, who successfully carried the burden for the defense and emerged from the trial as the acknowledged greatest advocate of them all. He was described at the time as:

> ...A young man with towering frame and very prominent and herculean shoulders; a head low and brooding with beetle brows projecting over a small pair of eyes, always hidden with glasses, with prominent cheek bones and a rude, strong and defiant expression. An iron wedge of a face, forcible, wilful, intelligent, wily.[42]

After listening to eighteen hours of argument, the jury retired; deliberated for fifteen minutes, and returned with a verdict for Frank's acquittal.

Between November 28 and December 14, 1837, White and Lockwood appeared as counsel in five cases before the Indiana supreme court;[43] and during 1838-39 his name is entered as attorney-of-record in at least eight cases before that body.[44] The firm was evidently dissolved sometime during the late spring or early summer of 1841, their association having lasted approximately five years.[45] For the most part, Lockwood appears to have carried on alone the practice of the old firm of White and Lockwood, at least through the November 1843 term of the supreme court.[46]

His third child, a daughter, was born at Lafayette on November 5, 1842, and was christened Rose Alice.[47] With a wife and three children now dependent upon him, he evidently found that his law practice, as large and thriving as it was, was not sufficient to permit him and his family to live in the manner which he desired, and there is indication that he commenced speculating in land even before the birth of this third child. His method was simple—to purchase at foreclosure-sales and at bargain-counter prices.[48] At one time he became the owner of six shares of stock in the State Bank of Indiana for which he paid $300.[49] Another means he took to supplement his income was the practice, not uncommon among lawyers in the community, of posting bond or becoming a surety for clients in financial distress.[50]

A fourth child, Rufus Albert Lockwood, was born at Lafayette on April 5, 1845.[51] By subtracting the time interval required for the usual period of gestation, Lockwood must have been in Lafayette in early August 1844. Except for this one fact, his actual whereabouts between the fall of 1842 and the spring of 1845 cannot be established. Suffice it to say, he again disappeared.[52] The reason generally assumed is that he had been speculating unsuccessfully in land, was hopelessly in debt, and perhaps had misused funds or otherwise violated confidence. He is thought to have made some sort of an assignment for the benefit of his creditors, placed his son Eldon in a Catholic school in Vincennes, and departed for Mexico,[53] perhaps Mexico City, without even disclosing his intentions to his wife. His subsequent successes in dealing with California land-title cases, involving a mastery not only of the Spanish language but of the laws of Mexico, was no doubt due to his prior application to this subject while south of the border.

Leaving Mexico City, he made his way to Vera Cruz on the east coast, where he arrived nearly bankrupt and where he is said to have made enough money, gambling, for his ship-passage to New Orleans. On arrival at New Orleans he went northwards to join his twin brother, Joshua Beal Jessup, who was then living at Natchitoches.[54] It is believed that Lockwood thereupon reassumed the surname Jessup[55] and may have been known as John Bright Jessup.[56] He commenced the study of Louisiana civil law and the Louisiana code.[57] Having successfully passed the examinations entitling him to practice before the higher courts of Louisiana, he returned to New Orleans for the purpose of being admitted to practice before those courts; but while waiting his turn to take the oath of admission, he observed among the crowd in the courtroom the former Thorntown landlord who had dispossessed him and his wife of their bed at a sheriff's sale. Realizing that he would be recognized as Lockwood in spite of the re-assumed Jessup, he is said to have slipped from the courtroom, without having been admitted to practice before the state's higher courts. Several days later, in tattered clothes and "negro shoes," he was seen by an old friend on a New Orleans street, in need of $20 to redeem a trunk which evidently had been pawned as security for a loan. The amount of cash the friend had had on his person was not enough, and Lockwood is next said to have enlisted as a soldier in the U. S. army, being attracted by a recruiting-station advertisement offering a $20 bounty for enlistment. The bounty may have been used to redeem the trunk. One account says that his regiment was dispatched to the Arkansas territory;[58] another, that it went west to Kansas.[59]

However, neither the department of the army nor the national archives have any service record for Rufus Allen Lockwood under that name nor under the name of Rufus A. Lockwood, Jonathan Trumbull (or T.) Jessup, nor John Bright Jessup.[60] There is some evidence that he did enlist in the army and served for a short period of time, and that the enlistment occurred somewhere in Louisiana, probably in New Orleans or Natchitoches, in the middle 1840's.[61] An old friend, Edward A. Hannegan, who had become U. S. senator, somehow heard of Lockwood's latest escapade of enlistment and obtained an order for his discharge from President John Tyler. The senator forwarded the presidential discharge-order to Lockwood, along with $100 in cash, and urged him forthwith to return to his family at Lafayette.

Lockwood followed this advice and returned to Lafayette, where he was received again by his wife and children. During his absence, some of his lands had risen in value, and the proceeds from their sale appear to have been more than sufficient to liquidate his old obligations. His creditors paid, he undertook again the practice of the law.

(To be continued)

NOTES

1. Charles W. Burkett, Jr., "Law Practice and the Judicial System in California's Fabulous Forties," *California State Bar Journ.*, Nov. 1940, pp. 341-44. By 1857, there were 297 lawyers in San Francisco County. *State Register and Year Book of Facts for the Year 1857* (Sacramento); the same register lists 189 doctors in the same county.

2. Among his few possessions still extant is a penciled sketch bearing the notation, in Lockwood's hand: "The barque 'Clyde' approaching the Harbor of Valparaiso, Monday, August 13th, 1849, with the snow covered peaks and volcanoes in the distance, and a brig astern,—as sketched by one of the Sailors." The original is in the possession of Mrs. J. B. Se Legue, Alhambra, Calif. (his only living grandchild), who reports that Lockwood is believed to have sent this sketch in 1849 to his wife, then residing in Lafayette, Ind. J. H. Flickinger of San Jose shared Lockwood's room aboard ship.

3. "Sketch of Rufus A. Lockwood," in *Newton Booth of California, His Speeches and Addresses* (New York, 1894), 475-97 (citation here to p. 490). This account appeared previously (May 1870) in the *Overland Monthly*, San Francisco. Shorter summaries of Lockwood's life may be found in Jacob Piatt Dunn, *Indiana and Indianans*, V, 2266-67; Indianapolis *News*, Sept., 1905; R. P. De Hart, *Past and Present of Tippecanoe County, Ind.*, pp. 280-82; Sanford C. Cox, *Recollections of the Early Settlement of the Wabash Valley*, pp. 100-102; George Lyster, "Cornelius Westfall—Founder of Thorntown," in *The Thorntown Centurial . . . September 24-25-26, 1930;* and Miriam Allen deFord, *They were San Franciscans*, pp. 24-25.

4. *Newton Booth . . .* [hereafter cited as *Booth*], p. 490.

5. Andrew Ingram to Calvin Fletcher, July 16, 1851 (manuscript, Calvin Fletcher Collection, William Henry Smith library, Indiana Hist. Soc., Indianapolis).

6. Suñol *vs.* Hepburn, Feb. 1850, court of first instance, district of San Jose.

7. John E. Richards, "The Mystery Man," *Calif. State Bar Journ.*, Oct. 1938, p. 25. Richards follows *Booth* for the most part, but is more detailed as to Lockwood's activities in California and as to certain trials in which he was engaged.

8. "The Bar of '49," in San Jose *Pioneer,* Feb. 10, 1877.

9. The Bible is in the possession of Mrs. J. B. Se Legue (note 2 above); under "Births," on the "Family Record" page, appears this entry in Lockwood's hand: "Rufus Allen Lockwood, Born February 2nd, A. D., 1811, in Fairfield County, Connecticut."

10. Henry Griswold Jessup, *Edward Jessup of West Farms, Westchester Co., N. Y. and His Descendants* [hereafter cited as *Jessup Genealogy*] (Cambridge, Mass.: privately printed, 1887), pp. 304-313. His true name was not Jonathan A. Jessup, and he was not born at Stamford, as stated by *Booth* (p. 478), by Richards *(op. cit.*, p. 27), and by Oscar T. Shuck, *Bench and Bar of California—History, Anecdotes, Reminiscences* (San Francisco, 1888), p. 255.

11. Probably the most accurate account of Lockwood's early years is contained in the *Jessup Genealogy* (note 10 above), the account being obtained, as is stated on p. 305, from his sister Mrs. William Fletcher [Ann Eliza Jessup] McCan, "and friends in his old home in Connecticut, who furnish the narrative of his early life; from his son Rufus Allen Lockwood, Jr.; and John A. Wilstach, Esq. of Lafayette, Indiana, his pupil and personal friend, who adds the history of his life in Indiana and a few additional facts. . . ." See also article in the Sacramento *Wednesday Press,* Dec. 16, 1903, p. 4, col. 1-4.

12. *Jessup Genealogy.*

13. His father's death occurred on Sept. 28, 1826.

14. *Jessup Genealogy.*

15. *Booth,* also Richards, and Shuck (note 10 above) all claim that he was a student at Yale. The *Jessup Genealogy* states that he was "not a member of any

college class." The statement has been confirmed by the following letters from departments at Yale to the present writer, in response to inquiries on this point: from the secretary's office, Oct. 28, 1939, "A careful search has been made of our records and we cannot find anyone by the name of Jonathan Trumbull Jessup listed"; from Sherman Kent, professor of history, Oct. 28, 1939, "According to Yale College records 20 years on each side of 1831 there was no student named J. T. Jessup"; from the librarian's office, Nov. 16, 1939, "I went through all of the Yale College catalogs from 1825 to 1840 and through the manuscript matriculation records for the same dates but found no mention of his name."

16. Cf. *Booth,* also Richards, and Shuck.

17. *Jessup Genealogy.* There is nothing in the records of the U. S. navy, or in the national archives, to show that he enlisted in the navy, either under the name of Jonathan Trumbull Jessup or Rufus Allen Lockwood; however, it was not unusual in those days for such records to be maintained by the state in which the enlistment was made. Furthermore, since he was a deserter, it is hardly to be expected that there would be any mention of his service among the pension records now in the national archives. See also *Descendants of Robert Lockwood 1630-1682,* Frederick A. Holden, comp., pp. 460, 656, 676-83, where it is said that T. H. S. Hammersley's *General Register of the U. S. Navy and Marine Corps for One Hundred Years* (1882) contains no mention of Lockwood's enlistment.

18. Cf. *Booth,* also Richards, and Shuck.

19. His reputation as a great trial lawyer was first made Oct. 10-12, 1837, when he successfully defended J. H. W. Frank on a murder charge before the Tippecanoe circuit court, Lafayette, Ind. See note 37 below.

20. Lockwood's Bible, "Family Record" page, under "Marriages," where the following entry appears, in Lockwood's hand: "Rufus Allen Lockwood and Harriet Hill, Married in Tippecanoe County, Indiana, By Rev. Boyd Phelps, Tuesday, August 28, 1832."

21. *Jessup Genealogy.* 22. *Ibid.*

23. Note 20 above. Lockwood's Bible entry for his first born reads: "Eldon Erskine Lockwood, son of Rufus Allen and Harriet, Born Sunday August 3rd, A. D. 1834 at Thorntown, Indiana." Furthermore, as R. A. Lockwood he appears as attorney-of-record before the Indiana supreme court in Poulk & another *vs.* Slocum, 3 *Blackford's Repts.*, 421, Nov. term 1834.

24. *Booth,* p. 479. 25. *Ibid.*

26. Crawfordsville is approximately 25 miles south of Lafayette.

27. Note 20 above.

28. For marriage license, see marriage records of Tippecanoe County, vol. 1, p. 163. The *Thorntown Centurial* (note 3 above) states that the Rev. Boyd Phelps was pastor of the Methodist Congregation in Thorntown in 1834. Thorntown, Boone County, is approximately 20 miles southeast of Lafayette, Tippecanoe County.

29. *Early Life and Times in Boone County*, Harden and Spahr comp. (1887), p. 43. See also Frank Moody Mills, *Early Days in a College Town and Wabash College in Early Days and Now* (1924), p. 128.

30. *Booth*, p. 480.

31. Tippecanoe County clerk to present writer, Aug. 25, and Sept. 2, 1952. The clerk also indicates that beside his name appears the notation, "Gone to the Gold Regions of California." See also John Leander Monks, *Courts and Lawyers of Indiana*, III, 1034.

32. Lockwood's Bible, and *Jessup Genealogy*.

33. Supreme court of Indiana, order book No. 4 D, p. 329 (first day, May term 1834), where the following appears: "On motion of Philip Sweetser, Esquire, Humphrey F. Robison and Rufus A. Lockwood, Esquires, having produced their licenses, were admitted as attorneys & counsellors at law and took an oath to support the Constitution of the United States and the Constitution of the State of Indiana and an oath of office as attorneys & counsellors at law."

34. Poulk & another *vs.* Slocum, as in note 23 above.

35. Birth records in Lockwood's family Bible, and *Jessup Genealogy*. Her father's partiality toward Angelina, as he called her, was reported to the present writer by Mrs. J. B. Se Legue, 1952. Angelina's marriage, however, at the age of eighteen, to Key Wilson, Lockwood so strenuously opposed that he entered the event under "Deaths" rather than "Marriages" in the family Bible, with the further remark, "Lost October 20th, 1855." Far from being "lost," Angelina outlived both her husband and father by many years. Key Wilson died during the Civil War; Angelina became a successful medical practitioner in Terre Haute, Ind. They had no children. *(Jessup Genealogy.)*

36. Davis *vs.* Bush, 4 *Blackford's Repts.*, 330, May term 1837. Decision rendered Sept. 9, 1837. (Appeal from Tippecanoe circuit court.)

37. Although *Booth*, Richards, and Shuck refer briefly to this case, the most complete and accurate account is contained in *Excerpts from Speech of R. A. Lockwood, Esq., Delivered in defense of J. H. W. Frank at the October term, The Tippecanoe Circuit Court, 1837*, printed at Indianapolis by Bolton and Livingston, 1837.

38. *Ibid.*, p. 14.

39. *Ibid.*, p. 74.

40. *Booth*, p. 483.

41. *Ibid.*, pp. 483-84.

42. Charles W. Taylor, *Biographical Sketches and Review of the Bench and Bar of Indiana*, p. 67.

43. The five cases before the Indiana supreme court in which White and Lockwood appeared as counsel between Nov. 28 and Dec. 14, 1837, may be found in 4 *Blackford's Repts.*, 345, 364, 379, 387, 445.

44. His appearance before the supreme court as attorney-of-record between 1838 and 1839 incl. are given in 4 *Blackford's Repts.*, 466, 479, 504; and 5 *Blackford's Repts.*, 35, 76, 177, 195, 230.

45. For White and Lockwood's last appearance together before the court (decision rendered July 3, 1841), see 5 *Blackford's Repts.*, 596.

46. The cases argued by Lockwood through the Nov. 1843 term of the Indiana supreme court are set forth in 6 *Blackford's Repts.*, 12, 25, 93, 106, 150, 154, 200, 225, 228, 235, 240, 289, 293, 448, 454, 520, 539.

47. In Lockwood's Bible, "Family Record" page, under "Births," appears the entry, in Lockwood's hand: "Rose Alice Lockwood, Daughter of Rufus Allen & Harriet, Born Saturday, November 5th, A. D. 1842, at Lafayette, Indiana." See also *Jessup Genealogy.*

48. Lockwood's real-estate acquisitions are shown in the land office records, Crawfordsville, archives division, Indiana state library; and elsewhere. In the archives of the library is also a "Map of Tippecanoe Co., Indiana," publ. by C. O. Titus, Phila., 1866. The Lockwood home-place, where his widow and some of his children lived after his death, is about 12 miles northeast of Lafayette not far from Octagon, and is bisected by the White-Tippecanoe counties boundary-line. The old residence no longer exists; it was said to have been built by Lockwood on the exact boundary line, so that he could more easily absent himself in White County from the jurisdiction of the sheriff of Tippecanoe County or vice versa. The present writer visited the farm in 1953 and found lush, fertile land, worth over $400 per acre, unimproved.

49. State Bank Correspondence 15835, "List of the Stock owned by individuals in the State Bank of Indiana, Branch at Lafayette and the amount paid out on the same" (archives division, Indiana state library).

50. White & another *vs.* Gust, in which Lockwood is the "another," "White" being his law partner A. S. White, 6 *Blackford's Repts.*, 228.

51. Lockwood's Bible, in his handwriting: "Rufus Albert Lockwood, Son of Rufus Allen & Harriet, Born Saturday, April 5th, A. D. 1845, at Lafayette, Indiana."

52. *Booth* and Shuck fix the time of his disappearance as the spring of 1842; but the Indiana supreme court reports for 1842 and 1843 contain numerous cases in which Lockwood appeared as counsel during both years. They also say that his absence was for nearly three years. This is in error, since Lockwood was in Lafayette in the summer of 1845. Furthermore, when *Booth* and Shuck fix a three-year period, they deny the legitimacy of Rufus Albert Lockwood, born April 5, 1845.

53. That Mexico was his destination may be inferred from his reading habits prior to this time. The Indiana state library catalog (B ED 710.3 1827 v. 3, p. 68) shows that on April 20, 1842, he borrowed the *History of Texas*, and on April 21, 1842, *South America and Mexico*. The latter he did not return until after the lapse of over a month. His next withdrawal was not until Dec. 1846, by which time his tastes had changed to books on English history and the law. (See same catalog, pp. 288, 294, 318, 326; and register, state library [E ED 710.3 1827 v. 4], pp. 12, 14, 32, 38, 42.

54. *Booth*, p. 487, refers to Joshua Beal Jessup as Lockwood's cousin, which is of course incorrect.

55. *Ibid.*

56. Conversations the present writer had in 1952 with Mrs. J. B. Se Legue (note 2 above).

57. *Booth*, *ibid.*, indicates that Lockwood spent a year at Natchitoches. This is obviously incorrect.

58. *Ibid.;* and Shuck, *op. cit.*, p. 257.

59. Richards (note 7 above), p. 30.

60. Secy. of the Army Frank Pace, Jr., to present writer, Oct. 30, Nov. 14, and Dec. 22, 1952; also office of chief archivist, war-records branch (national archives and records service, general services administration) to same, Jan. 19, 1953.

61. *Booth*, p. 487; *Jessup Genealogy;* and conversations between members of Lockwood's family, as reported to present writer by Mrs. J. B. Se Legue, his granddaughter. The J. B. Jessup mentioned in the Mexican War bounty-land files, national archives, was undoubtedly Lockwood's twin-brother, John Beal Jessup, who served from May 24 to Aug. 17, 1846. By that time, Lockwood had returned to Lafayette. Moreover, the signature of this J. B. Jessup on a claim affidavit, dated April 2, 1847, and executed at Natchitoches (where the twin-brother was then living), is most dissimilar to Lockwood's. *Booth*, p. 487, states that an order for Lockwood's discharge was obtained from President John Tyler; but Tyler was in the White House only from Apr. 6, 1841, to Mar. 4, 1845. Therefore this J. B. Jessup, who was in the service in 1846, must be some one other than Lockwood.

Biographical Traces of Consul John Parrott

By Frank A. Knapp, Jr.

Below the semiannual returns of consular fees and American ship-arrivals and departures at Mazatlan, Mexico, for the years 1838-1850, appeared the signature of John Parrott, U. S. consul at a focal point in the channel of communication on events affecting Americans in Mexico's northernmost department. Preceding John in consular experience had been his brother, William S. Parrott, a "friendly, well informed man," who had held the same post in Mexico City from September 1834 to July 1836.[1]

The Parrots were Virginians,[2] but both brothers had lived south of the Rio Grande for many consecutive years. William, who once boasted of his service "when but a boy" at the battle of New Orleans against the invasion of the British in 1814,[3] claimed to have been in Mexico since the year of independence (1821), and was able to draw the comparisons of an eyewitness between the scenes of the 1830's and those of the time of Emperor Agustín de Iturbide's downfall.[4] Without qualification, he titled himself "the oldest foreign resident in this place [Mexico City],"[5] while John claimed to have met Joel R. Poinsett, the first U. S. minister to Mexico, "when a boy" in 1827-1828, and mentioned him as a character reference.[6]

The relationship between the Parrott brothers seems to have been long-distance after 1835, the approximate date when John moved from the capital to Mazatlan. In November 1834, William had spoken of the possibility of appointing his brother acting-consul at Mexico City during his absence, indicating that at that date John was still residing in the capital.[7] Their personal tie must have been grounded on mutual trust, however, as John sent his consular bond to William for registration in 1840, gave him power-of-attorney for his financial transactions with the department of state, and sometimes drew a draft on the department, payable to William.[8] The latter also had an interest in the mercantile house of Parrott, Talbot & Co. of Mazatlan, in which John was an active partner until its liquidation about 1837.[9]

For some years before entering the mercantile business, William Parrott had practiced dentistry in Mexico. Success brought him a balanced portfolio of investments, including haciendas, mercantile houses, and even the presidency of a stagecoach line.[10] He was ranked at one time as a leading capitalist of Mexico City,[11] but ostentatious spending outdistanced his income. According to U. S. Minister Waddy Thompson, William S. Parrott lived "in a style the most luxurious and expensive, and wound up as such persons always do, a bankrupt."[12] Plagued with creditors and lawsuits in both Mexico and the United States after 1837, he returned to New York to face a nominal confinement in debtors' prison in 1840.[13] About the same time, he began to press claims against the Mexican government, through diplomatic channels, on grounds of arbitrary Mexican court-rulings and a denial of justice. But Minister Thompson rebelled against a claim which had been inflated to a total of $960,000: ". . . it may be and no doubt is, just to some extent, but I cannot forbear to say, that it is exaggerated to a disgusting degree. To assert such a claim would subject both me and my Government to ridicule if nothing worse."[14]

William S. Parrott is mentioned historically in connection with his mission as President James K. Polk's confidential agent in 1845, following the breach of American-Mexican diplomatic relations over the annexation of Texas. His instructions were to prepare the way, if possible, for the reception of an American minister by testing "the temper and tone of the present Mexican government toward the United States."[15] Since William was persona non grata to the Mexican government, in either official or private capacity,[16] President Polk could not have made a poorer choice for secretary to the American legation; but the U. S. minister, John Slidell, arriving just as President José Joaquín Herrera's government was falling, never was received, nor, of course, was his unpopular secretary.[17]

During the protracted period of William's financial and diplomatic fluctuations, John Parrott had received his consular appointment at Mazatlan in 1838, had quietly carried out his official duties, and had organized a new mercantile house under the name of Parrott & Co. The change of officers at Mazatlan appears to have been simple, for John Parrott merely replaced his former partner, Acting-Consul Samuel Talbot. The consular office itself had, in fact, been located in Parrott's home "for a number of years" prior to his appointment.[18] Although Talbot departed for the United States in 1838, a Marcus H. Talbot, presumably his relative, remained in Mazatlan to join in establishing the mercantile house of Mott, Talbot & Co. — Parrott's only American competitor in the city at the time of the outbreak of the Mexican War.[19]

John Parrott's tenure of the consular office in Mazatlan coincided with the increasing interest among Americans for the annexation of California, as shown in part by the immigration figures.[20] He could check the files in his office as far back as 1836, when Juan B. Alvarado and José Castro, aided by foreign residents, took arms against the Mexican regime in California in the person of the then-governor, Nicolás Gutiérrez. He could read the Mexican charges against some of the Americans, who, seemingly, were involved in an attempt to make in California a carbon copy of the Texas revolution;[21] and he could see how American expansion was proceeding in spite of Mexican attempts, renewed in 1837, to prevent citizens of the United States from settling in Mexican frontier states. U. S. consul John C. Jones at Oahu in the Hawaiian Islands was also watching conditions in California, and reported as follows to the U. S. minister at Mexico City:

> You will permit me also this opportunity to advise you, that the Territory of Alta California is at present time in a most distracted state, revolutions are every day taking place, and a large number of American Citizens as also an immense amount of American property, are hourly exposed to insult, oppression, and plunder. . . . and it is earnestly hoped that the Government of the United States may extend her arm of power for the protection of our citizens in that quarter of the Globe.[22]

Strictly speaking, a "consul" is appointed to care for the commercial interests of the citizens of the appointing government and to protect its seamen. He is not accredited to the "sovereign" and is therefore not a diplomatic agent, as is the chargé d'affaires (the last in rank of the four classes of such agents). But in Parrott's time commercial interests, and the strategy necessary to maintain them, were so interwoven with political manoeuvering that, in the chronological account which follows, what may seem on the face of it to be purely Parrott & Co.'s own affair will prove to have international connections. This is well illustrated in his correspondence with Thomas O. Larkin, leading American merchant at Monterey, Alta California.[23]

Judging by recorded transactions between the two men, Parrott & Co., though primarily an export-import firm, was, for Larkin, a news agency, post office, and a general banking-house, which discounted his drafts, settled his accounts among the different foreign commercial houses at Mazatlan, and handled his Mexican and other collections. Larkin served Parrott in similar ways.

Directly or indirectly Parrott was involved in many of the events which led to American occupation and annexation of Alta California. For example, he forwarded the voluminous correspondence on the Isaac Graham episode — when American and English residents in California were arrested by Alvarado in April 1840 and subsequently transported to Tepic for imprisonment.[24] A reflection of the unsettled state of Mexican affairs the next year, during President Anastasio Bustamante's difficulties with Antonio López de Santa Anna, is Parrott's comment in a letter to Larkin on June 13, 1841, that there were "no prospects for more goods to go your way for some time."[25] Inclosed in the same packet were two letters to be delivered to Eugène Duflot de Mofras, with the notation that he was "attaché to the Legation of France now on tour in California." Less than three years before, the French had occupied Vera Cruz with the object of enforcing payment of their claims on Mexico, and French travelers spying out the land were part of the international picture. Parrott also informs Larkin of President William H. Harrison's death, ". . . John Tyler Esq. the Vice-President is now the first Magistrate of the United States."

In January of the following year (1842), international finance was taken up by Parrott and Larkin, when the latter wrote offering hides from California in "payment of the note you hold against me." Cash was "not to be thought of."[26] To be deducted from the amount owed were some handkerchiefs, as they were not of the same quality as the ones Parrott had shown him "on a shelf" when he was in Mazatlan earlier that year (an inconsequential but curiosity-provoking detail — where were the handkerchiefs and other items in Parrott & Co.'s stock chiefly made, and what did the interior of the establishment look like?).

When Gen. Manuel Micheltorena departed with his supporting troops (a rough lot, known in California as "cholos") to assume the duties of governor, inspector general, and commandant general of the Californias, Consul Parrott saw troublous signs for American residents, and reported on April 25, 1842, to Secy. of State Daniel Webster that Micheltorena's expedition was being sent with the object of removing large numbers of recent American residents; that the Mexican attitude made "inevitable" an open clash between the two groups of nationals.[27]

In his letter to Larkin, dated May 9, 1842, Parrott tells him about Micheltorena, "... a new Governor and some five hundred troops are to go to California this season. The Governor will probably have arrived."[28] Most of the letter is given to assurances that hides will be acceptable in exchange for such articles as he required. Parrott regretted that the handkerchiefs had "turned out so bad." He complained of the long lapse of time between communications – it was a severe drawback to business. Likewise making business "exceedingly dull on the Coast" were the political changes; but prices of goods (in fair supply and of superior quality) were much the same as in the preceding year.

Soon afterwards (June 22, 1842), Parrott wrote to Commodore Thomas ap Catesby Jones, newly appointed commander of the Pacific naval squadron, that from the "tone" of the correspondence between the Mexican government and the U. S. minister on the subject of Texas, "... it is highly probable that there will be a war between the two countries."[29] As supporting evidence he inclosed a copy of the Mexico City *El Cosmopolita* of June 4, 1842, containing transcripts of a circular to the diplomatic corps in the Mexican capital and a dispatch to U. S. Secy. of State Daniel Webster, both signed by José M. Bocanegra, Mexican minister of foreign affairs. In blunt phraseology Bocanegra blamed the Texan revolt and Texan independence squarely on the people and government of the United States because of their gross violations of neutrality. "'The general opinion," Parrott explained, "is, that our Minister at Mexico has been forcing very hard our claims on this country, and that, in order to screen itself from the payment of the same, this Government [Mexico] has raised the Texas question, with the view of prolonging the payment of the money awarded under the convention between the two countries (April 1839)."

By chance Parrott's information reached Commodore Jones, then with the major elements of the American fleet at Callao Bay, Peru, "at the moment of the departure of the English squadron from that coast [Peru] on secret service." Jones called a conference which he addressed as follows:

> *Flag Ship U. S., at Sea – September 8, 1842.* Gentlemen: I lay before you a letter from Mr. John Parrott, the United States consul at Mazatlan, enclosing the Mexican "El Cosmopolita" of June 4th, 1842, which contains the manifesto of the Mexican Government, transmitting a certain letter addressed to the Hon. Daniel Webster, Secretary of State, to the diplomatic corps and consular agents of all foreign States, in relation to the difficulties pending between the United States

and the Government of Mexico – from which it is quite probable that the United States and Mexico are now at war.[30]

The direct result was the occupation of Monterey, October 20-21, 1842, which Commodore Jones proceeded to carry out and which is too well-known to be detailed here.[31] Although in the documentary record of the above conference due prominence is given to Parrott's letter, a search by the present writer through Mexico City newspapers of the period yielded not a single reference to John Parrott in the mass of documents, editorials, articles and U. S. newspaper reprints on the occupation.[32] Parrott's letter and inclosures were, however, remarked upon in the letter of an unnamed naval officer of the Pacific squadron, dated "at Sea," September 10, 1842, and printed in the *Daily National Intelligencer* (Washington, D. C.) of January 16, 1843.

Toward the close of 1842, when elements of the Pacific squadron anchored at Mazatlan, commodore and consul met face to face, after which Consul Parrott wrote the following letter to the U. S. navy secretary in Washington:

> *Consulate of the U. S., Mazatlan, December 7, 1842.* Sir: At the particular request of Commodore Jones, commanding the U. S. naval forces in the Pacific ocean, I enclose a copy of his letter, dated at Monterey, the 22d of October last, to the Hon. Waddy Thompson, our minister at Mexico, by which you will observe that the Commodore took possession of Monterey on the 20th of that month, upon the supposition that war had been declared by the Mexican Government against the United States. The United States Ship Yorktown, Commander Nicholas, arrived at this port yesterday, and resailed in two hours for San Blas, to land Lieutenant Hartstene, bearer of despatches to Mr. Thompson, at Mexico, and the Government at Washington.
>
> I must refrain from any remarks on the effects it will produce on the minds of these people, and have thought proper not to make the circumstance known to the authorities of this port until the return of the Yorktown, through the fear of some public commotion.
>
> I have the honor to be. . . .[33]

It appears that Parrott was the person who briefed Jones on the unfavorable publicity he had received in Mexican papers after the incident at Monterey. Possibly to counteract it, the latter gave a party aboard ship in Mazatlan, to which came the consuls stationed in the city and officers of the British and American vessels then in port. Whether Parrott succumbed to the free flow of intoxicants that night is not recorded, but there were few exceptions.[34]

Both Larkin (by then U. S. consul at Monterey) and Parrott laid plans during 1844 to visit each other at their respective headquarters. On May 22d, Parrott thought it highly probable that he would "touch off your port in all the month of August . . .,"[35] but in his letter to Larkin on June 29th[36] he says that he had been "totally disappointed" in his expectation of paying him a visit in August because, as Parrott expresses it, it was "impossible to embark the cash here for the payment of that part of the duty." Mazatlan was "a most difficult port as when a vessel comes off they are very sharpe on the look out." Earlier in his letter Merchant Parrott discusses navy-coat and vest buttons (which he incloses), and also the butter situation. Larkin's shipment of butter had "really turned out first rate" and Parrott thinks a few quintales would find a ready market in Mazatlan during November or December. Consul Parrott then gives Larkin ". . . one sound piece of advice that is to have nothing more to do with the dfts of the Governor on this Custom House, as none of them will henceforward be paid. The Custom House have not a dollar to pay the troops here and all the money for duty are payable in Mexico."

In the same letter Parrott says he has been "very unwell, for the last month caused by a copious bleeding from the longues [*sic*] of which I am now however restored although weak." He was "almost disheartened," as trade had been dull. He gives Larkin first-hand news of the talk on the streets of Mazatlan: there was "some rumour of a war . . . growing out of the attempt to annex Texas to the United States." Parrott did not take much stock in it, however. He requests Larkin to "have me made a handsome side board, a sofa or two, 2 dozen chairs," if Larkin could find a cabinet maker "who works cheap"; and they were to be sent "with a pass as hechos in California" – that is, made in Mexican territory, to avoid payment of the import tax on foreign merchandise at Mazatlan.

More light on John Parrott's surroundings at his post in Mazatlan comes indirectly, some months later, when Larkin tells him on November 17, 1844, "I would sail for your port in the Savannah but can not but barely raise funds here to pay what I now owe merchants in your place."[37] The reason for this stringency was, as he writes to Parrott two months afterwards (Jan. 25, 1845), "I understand you had a revolution in Mexico [Mexican army in revolt against the dictator, Santa Anna]. This if nothing else may have prevented your collecting the amount. . . ."[38] In the meantime (Dec. 12, 1844) he had written, "If I can meet with a good conveyance for Mazatlan, I shall leave here next month, and shall want a large quantity of goods to bring back."[39] Larkin was worried about the non-arrival of his half-brother, J. B. R. Cooper, as Cooper would have given him first-hand information about his affairs at Mazatlan.[40]

On the thirteenth of the next month (Feb. 1845), Parrott & Co. sent a letter-bag with dispatches for Larkin and "also some for other persons which please distribute. They will give you all the news from home. Mr. Polk of Tennessee has been elected President of the United States for the next four years." Larkin was requested to look into the non-payment of the balance due Parrott's firm by A. B. Thompson and his partner John Coffin Jones, Jr.: "We shall have to charge them with the Current Int of the place. We cannot lay out of the use of our money so long for nothing."[41]

As for Larkin's debtors — up to March 22, 1845, Parrott & Co. had not been able to make collection for Larkin on two $10,000-drafts drawn by Micheltorena on the Mexican government. Parrott, it will be remembered, had warned about this. Larkin asks Parrott to try to sell the drafts at a 25% discount and, if successful, to send him half the amount in gold and the other half to his "relation and correspondent Revd William M. Rogers Boston, Massachusetts." Otherwise, Parrott was to hold the drafts for the present.[42]

Collections were extremely irksome, as were also non-arriving brothers. Parrott wrote Larkin on May 2, 1845, about "a mere rumour" coming from Mexico City by express that Mexico was about to acknowledge the independence of Texas. What worried Parrott was that his brother William, sent out to Mexico as special messenger, as mentioned earlier in the present paper, "was to have arrived in the City of Mexico the day after the express left. . . . Six of our heaviest Ships of War had arrived already at Vera Cruz. I am anxious to hear from my brother, and know what has brought him out." Then there was A. B. Thompson's non-payment of his debt to worry him. Parrott asks Larkin not to "loose sight of the affair or suffer yourself to be deceived by him as I understand that it is a custom with him to pay nobody if he can avoid it." He advises Larkin further that, "If it should come to the pinch you will give the judge who takes charge of the affair a small gratification in order to induce him to take up the affair with spirit." However, should Thompson "offer good security for both principal and interest until fall you will accept it and not molest him. . . ." Fortunately some lubrication of these and like difficulties was obtainable: "Be pleased," added Parrott, "to send me another Jar of butter by the first Conveyance charging me in a/c the cost."[43]

Parrott's first visit to California was ushered in by the wreck of the English schooner, *Star of the West*, of which he was the owner, at Point Lobos near Monterey on July 27, 1845.[44] The cargo, taken aboard at Liverpool, was intended for sale in Mexico, the arrangement, according to reliable sources, having been that California officials would help themselves to the duties on a nominal valuation, and the vessel, proceeding thence to Mexican ports, would enter its cargo duty free. William Heath Davis, trader and store keeper of the time, explains the prevailing attitude among traders by saying that while they had no intention of opposing the local government in any way, their affection for it did not prevent them from outwitting the custom-house authorities when an opportunity offered.[45] In the absence of a tribunal capable of deciding questions of salvage with respect to the *Star of the West*, Parrott left the matter to Messrs. James Watson and James Stokes, disinterested citizens of Monterey, who advised that the wreckers were entitled to 50% of the damaged-state value of the part of the cargo saved.[46]

Writing to Larkin from Santa Barbara on September 3, 1845, J. C. Jones echoed, in reverse, Parrott's criticism of his (Jones's) partner, A. B. Thompson: "I hear that we may expect Mr. Parrott here very shortly. I hope his stay may be short, as he is a person, not the most desirable to have in ones family."[47] Jones' idea of "short" is unknown, but by March 1846 Parrott was back again in Mazatlan where Larkin's letter of the ninth reached him. Larkin was inclosing among other papers "an official letter for the Captain of any of our Ships of War, you may have in your Port. . . ." He described to Parrott the vagueness surrounding Gen. José Castro's and Capt. John C. Frémont's next moves in the vicinity of Monterey; Parrott's trip to California, the year before, prompted Larkin to add: ". . . As you are acquainted with this Country and its people, you will advise with our naval captains on the subject of sailing immediately for this Port." Everything might end peaceably; still, Larkin earnestly desired that a ship be sent.[48] By April 22, 1846, the sloop *Portsmouth*, commanded by Capt. John B. Montgomery, had arrived at Monterey.

Parrott and the inhabitants of Mazatlan were themselves in the midst of uncertainties that matched those described by Larkin for his area. The presence of U. S. warships — the flagship *Savannah;* the sloops *Warren*, *Portsmouth*, and *Levant;* the schooner *Shark*, and the transport *Erie*, all in the harbor of Mazatlan — gave rise to rumors; in fact, the local archives had been removed to Rosario.[49] A short time later that year (May 1846), John Parrott, leaving James R. Bolton as acting consul at Mazatlan, set out across Mexico from San Blas with William M. Wood, late fleet surgeon, who carried dispatches for Washington. The way in which Parrott arranged to have a message expressed back to the squadron commander on the Pacific, advising him of the reports they had heard, was described by Wood as having been accomplished "with much skill."[50]

Eventually Parrott reached Havana, where he resided for at least part of the war period.[51] Once the treaty of Guadalupe Hidalgo had been ratified, and American diplomatic and consular posts in Mexico were being renewed, he was offered and accepted a reappointment, returning to Mazatlan in December 1848.[52] Thus the war had interrupted his tenure for about two and a half years.

The most important indirect result of Parrott's first visit to California in 1845 was his communication three years later to Secy. of State James Buchanan on the region's population at the close of the Mexican period. After 1845, the base of population was disturbed by the arrival of large numbers of American immigrants, the departure of some native Californians and Mexicans, and the influx of various transitory elements like the Mormons and the U. S. military and naval forces. Then came the gold rush which swamped California under a human avalanche, international in character, and relegated to uncertainty the true population at the close of 1845, a logical point-of-departure for studies in vital and social statistics for the American period. Parrott seems to have made a rather accurate survey of the population of Upper and Lower California during his trip north in 1845, and consequently was able to throw some reliable contemporary light on an obscure topic:

> I have the honor to inform you that during the summer of 1845 I visited "Upper California," and obtained through my intercourse with many of the most intelligent residents both "Native" and "Foreign" the following:

Statement in relation to its [Upper California's] population, viz.

"The White population was then estimated at	15.000 Souls"
"The Domesticated Indian population living with whites	4 000"
"The Indian population living on the borders of the whites in detached Villages	20.000"
Total population	39.000 Souls

> No Census has ever, to my knowledge been taken in that country, but from my personal observation I should say the above was very nearly correct.[53]

In 1849 he made a second trip to California to deliver in person a packet of urgent dispatches to Commodore Jones from the navy department. In addition to this courier service, he formed a tentative partnership with William Heath Davis and Capt. William Richardson to open an inland steamship line between San Francisco Bay and Sacramento. By this agreement Parrott was to return to New York City and contract with a shipbuilding company for the construction of a steamer, backed by $45,000 of working capital to be supplied by the three partners. Taking a leave of absence from his consular post, he returned to the east on the assumption of delivering information to the state department "in relation to the Gold region."[54] Davis says that Parrott learned on arrival in New York that James Blair of San Francisco had already started to build a vessel to absorb the booming freight and passenger traffic on the same waterway. Consequently he insisted that the enterprise be abandoned, much to the resentment of Davis who claimed he suffered large losses through Parrott's refusal to run the risk of competition.[55] Be that as it may, Parrott came back to Mazatlan and soon resigned his consular post.[56]

Even if the California steamship project failed to materialize, Parrott had his mind on a future in California, and in time he became one of the most successful financiers in the development of the San Francisco Bay-area.[57] This phase of his life is not the consulate, however, and belongs to another period.

NOTES

1. Robert Greenhow to John Forsyth, Pensacola, Fla., Aug. 12, 1837, Dispatches from Mexico, IX (dept. of state, national archives, Washington, D. C. [hereafter cited as AUS]). All materials cited as in the archives are manuscripts. Greenhow was a special commissioner to Mexico and resided at W. S. Parrott's home for about three weeks.

2. H. H. Bancroft, *History of California* (San Francisco, 1886-1890), IV, 767-68.

3. W. S. Parrott to James Buchanan, Washington, July 5, 1847, Appointment Papers of W. S. Parrott, AUS.

4. Same to same, Mexico, June 24, 1845, Dispatches from Mexico, XII, AUS; same to Forsyth, Mexico, June 25, 1835, Consular Dispatches, Mexico, II, AUS. Iturbide abdicated on Feb. 19, 1823, and was executed July 19, 1824. Herbert I. Priestley, *The Mexican Nation, a History* (New York, 1924), p. 256.

5. W. S. Parrott to Forsyth, Mexico, July 29, 1837, Dispatches from Mexico, IX, AUS.

6. John Parrott to Com. E. P. Kennedy, Mazatlan, June 4, 1837, Appointment Papers of John Parrott, AUS.

7. W. S. Parrott to Forsyth, Mexico, Nov. 24, 1834, Consular Dispatches, Mexico, II, AUS.

8. W. S. Parrott to Forsyth, Baltimore, Aug. 29, 1840; John Parrott to secy. of state, Mazatlan, Dec. 31, 1838, and Dec. 31, 1844, Consular Dispatches, Mazatlan, 1828-1850; [John Parrott] to same, Mazatlan, March 25, 1841, Consular Dispatch Book (Post Record), Mazatlan, 1837-1857, AUS.

9. W. S. Parrott, *Esposición que en las tardes de los días 8 y 15 del mes de febrero de este año hizo D. W. S. Parrott, en junta de sus acreedores* (Mexico, 1839), p. 8. A copy of this pamphlet is in Appointment Papers of W. S. Parrott (note 3 above).

10. Waddy Thompson to Daniel Webster, Mexico, Nov. 30, 1842, Dispatches from Mexico, XI, AUS; W. S. Parrott to Forsyth, Mexico, Oct. 23, 1835, Consular Dispatches, Mexico, II, AUS; George Lockhart Rives, *The United States and Mexico, 1821-1848* (New York, 1913), II, 63 note. Waddy Thompson's dispatch is responsible for practically all of the printed biographical information available on William S. Parrott.

11. W. S. Parrott to Forsyth, Mexico, Nov. 24, 1834, Consular Dispatches, Mexico, II, AUS.

12. Thompson to Webster, Mexico, Nov. 30, 1842, Dispatches from Mexico, XI, AUS.

13. W. S. Parrott to Forsyth, Mexico, July 31, 1839; New York, Jan. 25, 1840, Appointment Papers of W. S. Parrott (as above).

14. Thompson to Webster, Mexico, Nov. 30, 1842, Dispatches from Mexico, XI, AUS. See also manuscript of 53 pages, signed W. S. Parrott, Mexico, Aug. 24, 1839, inclosure to Powhatan Ellis to Forsyth, Mexico, Oct. 10, 1839, *ibid.*, IX.

15. Buchanan to W. S. Parrott, Washington, March 28, 1845, Special Missions, I, AUS.

16. John Black to Buchanan, Mexico, July 3 and 24, and Oct. 18, 1845, Consular Dispatches, Mexico, VIII, AUS.

17. Same to same, Mexico, Oct. 28, Nov. 4 and 22, 1845, *ibid.;* Black to Slidell, Mexico, Dec. 15, 1845, Dispatches from Mexico, XII, AUS.

18. John Parrott to Com. E. P. Kennedy, Mazatlan (note 6 above).

19. See John Parrott to Black, Mazatlan, April 22, 1845, Consular Dispatches, Mexico, VIII, AUS.

20. Robert Glass Cleland, *The Early Sentiment for the Annexation of California . . .* (Austin, Texas, n.d.).

21. Richard R. Waldron (late purser of the *USS Peacock*) to Ellis, Tepic, Dec. 30, 1836, Consular Dispatches, Mazatlan, 1828-1850, AUS. Commodore Kennedy of the *Peacock* was among those charged.

22. Jones to minister, Jan. 23, 1839, inclosure to John Parrott to the secy. of state, Mazatlan, Feb. 26, 1839, Consular Dispatches, Mazatlan, 1828-1850, AUS.

23. So far, five volumes, covering the years 1822-1846, of *The Larkin Papers,* ed. by George P. Hammond, director of the Bancroft library, have been published by the Univ. of Calif. Press, Berkeley and Los Angeles. The first volume appeared in 1952; the fifth in 1955.

24. Capt. French Forrest of the *USS St. Louis,* who collected the depositions of American citizens in California in 1840 relative to the Graham affair, anchored in Mazatlan a year later. Parrott's letter transmitting the depositions is Parrott to Ellis, Mazatlan, July 22, 1840 (extract copy), Dispatches from Mexico, X, AUS. A detailed account from many sources may be found in Bancroft, *op. cit.,* IV, 2-41.

25. *Larkin Papers,* I, 90.

26. Jan. 12, 1842, *ibid.,* p. 150.

27. John Parrott to Webster, Mazatlan, April 25, 1842, Consular Dispatches, Mazatlan, 1828-1850, AUS.

28. *Larkin Papers,* I, 218-19.

29. *House Ex. Docs.,* no. 166, 27th Cong., 3d sess., pp. 86-87.

30. *Ibid.,* pp. 84-85.

31. *Ibid.,* p. 15. See also Bancroft, *ibid.,* pp. 300-29; on p. 302, Parrott's letter is given prominence in a list of causes prompting the commodore's action.

32. Among the Mexico City newspapers searched were, *El Siglo, La Hesperia, El Eco de la Justicia,* and *El Cosmopolita.*

33. *House Ex. Docs.,* no. 166 (note 29 above), p. 93.

34. Charles Roberts Anderson, ed., *Journal of a Cruise to the Pacific Ocean, 1842-1844* . . . (Durham, North Carolina, 1937), pp. 45-46, 130 note.

35. *Larkin Papers,* II, 124.

36. *Ibid.,* p. 155.

37. *Ibid.,* p. 288.

38. *Ibid.,* III, 28.

39. *Ibid.,* II, 324.

40. *Ibid.,* III, 20. Cooper had been ill at Acapulco toward the end of 1844, but only temporarily, and continued to visit California, becoming harbor master at Monterey, etc. Bancroft, *op. cit.,* IV, 765-66.

41. *Larkin Papers,* III, 42-43.

42. *Ibid.,* pp. 84-85.

43. *Ibid.,* pp. 163-65.

44. William Heath Davis, *Seventy-Five Years in California* (San Francisco, 1929), pp. 162-63; Bancroft, *op. cit.,* pp. 560, 568.

45. Davis, "Glimpses of the Past" (manuscript, Bancroft library), p. 89.

46. *Larkin Papers,* III, 300 (Aug. 3, 1845).

47. *Ibid.,* p. 337.

48. *Ibid.,* IV, 244-45.

49. Bancroft, *op. cit.,* V, 13, 199-200.

50. *Ibid.,* pp. 201-202.

51. John Parrott to Buchanan, Havana, Feb. 6, 1847, Consular Dispatches, Mazatlan, 1828-1850, AUS.

52. Same to same, Washington, Aug. 4, 1848; Mazatlan, April 9, 1849, *ibid.*

53. Same to same, Washington, July 13, 1848, *ibid.* These figures confirm those of Larkin for about the same period, as contained in his 35-page general description of California, dated Monterey, April 20, 1846 (inclosure with Larkin to Buchanan, Monterey, June 15, 1846, Consular Dispatches, Monterey, 1837-1848, AUS). Parrott was mistaken in stating that the Mexicans had never taken an official census in California. *Cf.* Instituto Nacional de Geografía y Estadística (*El Siglo*, April 6, 1845).

54. John Parrott to Buchanan, Mazatlan, April 9, 1849, Consular Dispatches, Mazatlan, 1828-1850, AUS.

55. Davis (note 44 above), p. 312. James Blair was agent of the Aspinwall Steam Transportation Line (advertisement, *Daily Journal of Commerce*, San Francisco, March 18, 1850).

56. John Parrott to Clayton, Mazatlan, April 9, 1850, Consular Dispatches, Mazatlan, 1828-1850, AUS.

57. Theodore H. Hittell, *History of California* (San Francisco, 1885-1897), III, 411, 446, 500-501. For Parrott's association with Larkin in promoting the Pacific and Atlantic R. R. project, see San Francisco *Commercial Advertiser*, Sept. 7 and 13, 1853.

See also San Francisco *Chronicle*, Feb. 20, 1870, which includes comments on his life in Mexico, where he is said to have "conformed to the costumbres del pais . . . kept some good chickens of combative strain, a few racing horses and once actually rode a race."

The Far-Western Wing of the Rebellion, 1861-1865

By W. H. WATFORD

WHILE THE ATTENTION of the nation was fixed on the early great battlefields of the Civil War, a contest for empire in the far-off arid regions of the southwest received but passing notice. The newly-formed Southern Confederacy, confident of its ultimate independence, was seeking to establish itself as an ocean-to-ocean nation, and although their forces were defeated and turned back in New Mexico in 1862, Confederate leaders maintained their claims to western territory, and throughout the war advanced fresh schemes of conquest.

Upon formation of the Confederate States in February 1861, some 2500 men of the regular army of the United States were stationed along the U. S.-Mexican boundary, while others were in army posts protecting the northern Texas frontier. Their surrender by Maj.-Gen. D. E. Twiggs, commanding the department of Texas, followed upon the secession of Texas from the Union on February first of that year. Had Twiggs chosen to act in time, much of his command could have been concentrated and safely marched into New Mexico;[1] but by his order Fort Bliss at El Paso, only a few miles from the New Mexican boundary, was abandoned and its garrison marched south to Fort Quitman. There, joining with the troops from Fort Davis, the combined force moved along the overland-mail route to San Antonio, the last column of U. S. troops in Texas to be surrendered.[2]

Shortly afterwards, a battalion of Texas cavalry, under Lt.-Col. John R. Baylor, was sent by Col. Earl Van Dorn at San Antonio to take possession of federal property and guard the Texas frontier against invasion. In New Mexico, a short distance across the line from Fort Bliss (where Baylor was ordered to concentrate his forces), was a large number of U. S. troops. "It is possible," Van Dorn warned Baylor, "for them to retake Fort Bliss and all the public property before our troops can reach there." If taken by surprise they might be captured; otherwise, "they could get out of your reach by falling back into New Mexico too far to be pursued."[3]

El Paso (then known as Franklin) represented in 1861 the westernmost extremity of the Confederacy. Through it passed the overland stage from St. Louis and San Francisco, and here also was the terminus of other stage lines from Santa Fe, San Antonio, and Chihuahua. Across the Rio Grande was the larger Paso del Norte, present-day Juarez. The native Mexican population on the Rio Grande was largely controlled by Anglo-American merchants and contractors. Most prominent among them, and also the leading Confederates in the valley, were Col. James W. Magoffin, previously a resident of New Mexico and now sutler at Fort Bliss; and wealthy Simeon Hart, at whose flour mill, a mile above El Paso, was ground the wheat from both sides of the Rio Grande.[4] Their large Spanish-built homes, just above and below El Paso, afforded the finest hospitality in the valley and were centers of intrigue to draw New Mexico into the secession movement.[5] Associated with them in this were Philemon T. Herbert, El Paso lawyer and former member of congress from California, and J. S. Crosby, district judge. Their immediate concern was the safety of the military stores at Fort Bliss which were threatened by the presence of federal forces at Fort Fillmore, some forty miles up the Rio Grande in southern New Mexico. The inhabitants of this section, mainly emigrants from Texas and other southern states, also awaited the arrival of Confederate forces on the Rio Grande. Mesilla, the principal settlement, was on the west side of the Rio Grande, only a few miles across the river from Fort Fillmore. North from Fort Fillmore lay Las Cruces, eight miles, and Doña Ana, fifteen miles—small stage-stop hamlets on the road to Santa Fe. They were isolated from the government at Santa Fe by the Jornado del Muerto, a ninety-mile stretch of desert which extended northward along the Rio Grande. New Mexico below the Jornado was generally known as Arizona, including not only the Rio Grande settlements but also far-off Tucson and other remote mining towns.

Almost yearly since 1856, Arizona had memorialized congress for a separate territorial government.[6] Its inhabitants had been discriminated against in representation at Santa Fe, but failure to have been provided with adequate military protection against the Apaches, who roamed at will throughout the country, was their greatest complaint. The Arizonans' latest effort to separate from New Mexico had led in 1860 to the organization of a temporary government, which claimed jurisdiction over all of New Mexico south of 33° 40′. Dr. L. S. Owings of Mesilla, a former Texan, had been chosen governor; but again there was no action by congress.

Actual secession of Arizona was largely accomplished by agents of the Texas secession convention which, in February 1861, had appointed Simeon Hart and Philemon T. Herbert (see above) as commissioners from Texas to urge Arizona and New Mexico to join the Confederacy.[7] Hart, advised by friends not to appear in New Mexico in person, had carried out his share of the mission by correspondence and by secret agents, and later reported to the Texas governor his conviction that the inhabitants of Arizona were prepared ". . . without a dissenting voice, to join Texas and the South for a Confederacy."[8] Herbert, meanwhile, journeyed personally northward from El Paso into Arizona.[9] Upon his arrival at Mesilla, he dispatched a letter to "Governor" Owings stating that he had been authorized to invite Arizona to join the Southern Confederacy.[10] On March sixteenth, a secessionist meeting at Tucson, addressed by Herbert, voted previously-prepared resolutions calling upon the people of the territory not to recognize "the present Black Republican administration" and to resist its officials sent to Arizona;[11] they were assured not only territorial recognition but also that the Confederacy would control the Apaches and make possible the faster development of the country.[12]

New Mexico proper was expected to join in the secession movement.[13] The commercial relations of the territory had been mainly with adjoining Texas and with Missouri by the Santa Fe trail. The native New Mexicans, long dominated by Southern officials appointed to the territory, had, in 1859, adopted a slavery code, which had contributed to frequently-heard charges that a Southern conspiracy existed to bring New Mexico into the Union as a slave state.[14] Most prominent Southern official in New Mexico was the territorial secretary, Alexander M. Jackson, who wrote to a Mississippi political friend on February 17, 1861, that the commercial connection of "New Mexico *proper*, above the Mesilla Valley" was almost exclusively with Missouri, and that the majority of the people of that section of New Mexico were "fully prepared to go South, provided Missouri so goes," but that none would take such initiative except the inhabitants of the American settlements in Arizona.[15] He spoke of the "ultimate position of New Mexico in the Confederacy" toward which his pro-slavery efforts in the territory had been directed; but the future repeal of the slave code could not be prevented unless the native politicians were convinced that New Mexico would be assigned to the South. "The mass of the New Mexicans . . . and more particularly the wealthy and intelligent, are in favor of the institution of slavery, but . . . they will not be able to overcome the influence of Federal power and patronage."

One of Simeon Hart's agents, Capt. H. C. Cook, arrived in Santa Fe on May 18, 1861, with letters Hart had furnished him. After a few days, he was able to report to Hart that the people of New Mexico to the most remarkable degree favored the cause of the South. This was even more true "than in the State of Texas, at the time of Secession." He agreed with Jackson that New Mexico would be greatly influenced by the action of Missouri in the matter of secession. With the New Mexicans unarmed and with a large portion of the U. S. army stationed in the territory, he predicted that New Mexico would take no action not initiated by the Confederacy.[16]

The exodus of Southern office holders and army officers from New Mexico, in late May and early June, followed upon the news of Fort Sumter and Lincoln's call for troops. Most of them left by way of El Paso and San Antonio, with a few taking off across the plains from Fort Union to Texas. A state of complete demoralization existed among the soldiers of their commands, Southern army officers told Cook, and, with proper encouragement from the Confederacy, they could have brought large numbers of their men with them. Such a conspiracy had been disclosed, following a spring campaign against the Mescalero Apaches in southern New Mexico, when Southern officers attempted to deliver the troops of their regiment over to the Confederacy by marching them into Texas. Involved also was Col. W. W. Loring, commanding the department at Santa Fe. One of the officers, however, succeeded in warning others who were loyal, and the conspirators afterwards resigned their commissions, leaving the country "as rapidly as they could get out of it."[17]

Col. Edward R. S. Canby, Loring's successor in command of the department at Santa Fe, had received information that some movement against the territory from Texas could be expected. In the face of this possibility, orders were received from Washington to remove the federal troops from New Mexico for eastern service. Canby therefore ordered additional forces into Fort Fillmore to cover the withdrawal of troops from other, more distant, posts in western Arizona. For many weeks, the fort had been under strong Confederate influence, not only from its own officers but also from those who had passed through on their way out of the territory. Mesilla, across the Rio Grande from Fort Fillmore, was reported "as much in the hands of the enemy as Charleston is." A Confederate flag was flying in the streets and secession leaders were ordering Union men to leave.[18] That the Confederacy had not already occupied the region was, however, a source of much anxiety, although the people of Arizona were reported in more immediate danger from widespread Indian depredations than from federal troops under their present commanders. This information was forwarded on June sixth by four prominent secessionists – among them Samuel J. Jones, sutler at Fort Fillmore and federal collector of customs for the district – who appealed for arms to equip local volunteers for Indian warfare.[19] Another citizen of Mesilla, M. H. MacWillie – who signed himself "chief justice" of the territory – informed Jefferson Davis on June 30, 1861, of the impending withdrawal of federal troops from New Mexico and suggested that an expedition be sent up the Canadian River from Indian Territory. "The stores, supplies, and munitions of war within New Mexico and Arizona are immense," he declared; and he pointed out that the Confederacy thereby would "relieve Texas, open communication to the Pacific, and break the line of operations, which, with . . . the blockade of our ports and complete possession of our frontier, is designed to circumvallate the South."[20]

Colonel Baylor's four companies of Texas troops arrived on the Rio Grande during the first week in July. At Fort Fillmore, Maj. Isaac Lynde, commander of the southern military district, had made no preparations against invasion, reporting on July 7, 1861, to Canby that "this post or this valley was not worth the exertion to hold."[21] Fort Buchanan and Fort Breckenridge in western Arizona were being evacuated, and, as soon as these troops arrived on the Rio Grande, Fort Fillmore in turn would be evacuated; Arizona would, in effect, be abandoned.[22]

On the night of July twenty-third, before the troops from western Arizona could join Lynde, Baylor marched north from El Paso.[23] Lynde refused to contest the San Tomas crossing a mile below the post, or take possession of Mesilla, but, instead, ordered his troops from those points into Fort Fillmore. Early next morning the Texans entered Mesilla, where their arrival was made a day of celebration.[24] Late in the afternoon of the same day, Lynde appeared on the outskirts of the town with 380 men, and sent his adjutant forward under a flag of truce to demand its surrender. He was met by Philemon T. Herbert, now a colonel on Baylor's staff, and Maj. Edwin Waller, who delivered Baylor's reply to "come and get it." After an unsuccessful attack against their position, Lynde retreated to Fort Fillmore. His first decision was to defend the post, but he soon determined that it could not be held against the artillery which Baylor was waiting to have brought up from Fort Bliss. Shortly after midnight, Lynde abandoned Fort Fillmore, destroying as much property as his hurried departure would permit; and at daybreak next morning, with field glasses from a Mesilla rooftop, Baylor could see the dust of Lynde's column as it moved eastward along a road that led 150 miles through a pass in the mountains to Fort Stanton. Across the river, smoke rose from Fort Fillmore. Baylor ordered full pursuit and by afternoon was overtaking infantry stragglers, who, without water, were suffering from the heat and dust of the road. The final six miles was a succession of charges, with prisoners being disarmed in squads until, by the time Lynde's main force was reached, the Texans had captured his artillery and most of the infantry troops. At San Augustine Springs, twenty miles on the road to Fort Stanton, Lynde surrendered his command without firing a shot.[25]

With all of Arizona below the Jornado in the possession of the Texans, a provisional government was established, and on August 1, 1861, the territory was proclaimed a part of the Confederacy. Baylor, as civil and military governor, designated Mesilla as the capital, appointed other officials to serve under him, and set the northern limits of the territory at the parallel of 36° 30′, thence west to the Colorado and down that stream to its mouth. He wrote to San Antonio urging the Confederacy to hurry sufficient reinforcements to occupy and hold the country, pointing out its importance as an outlet to the Pacific and its vast mineral resources.[26] That Baylor's conquest opened a "pathway to the Pacific" was also noted in a report to Jefferson Davis by Secy.-of-War J. P. Benjamin, who described Arizona as a "natural appendage" to the Confederacy and "territory formerly common to all the states."[27]

For the rest of the year, Baylor was to hold his conquest with a force little larger than that with which he had entered Arizona. Meanwhile western Arizona reverted almost entirely to the Indians.[28] After the evacuation of federal military posts in the region, the Apaches, unaware of the white man's domestic troubles, believed that they had at last stampeded the entire population. The road from Tucson to the Rio Grande was cut off at Apache Pass, while the southern overland stage, its stations and equipment in Arizona destroyed and many of its employees killed by the Indians, discontinued operations, transferring to the central route. By the end of September 1861, the Mesilla *Times* reported that the Indians were in undisputed control of ninety-five per cent of Arizona.[29]

A loyal Union soldier, one William Need, was among those in New Mexico who were alarmed by the course of events in Arizona, and on September twenty-seventh expressed his concern in a letter to Secy.-of-War Simon Cameron.[30] In the past six months, Need had visited five army posts in Arizona. The governors of New Mexico, he wrote, had paid not the slightest attention to the "will or wishes or wants" of the people of Arizona; hence, over a year ago, they had established a provisional government. Now the secession forces "were straining every nerve, using every device, pulling every cord with might and main" to incorporate the northern states of Mexico into the Confederacy. He declared that "the restless eye of Jeff Davis" was particularly bent on Arizona, that it was his "beau ideal" of a railroad route to the Pacific, and, further, that Davis, as a member of President Pierce's cabinet, had influenced all the civil and military appointments to New Mexico in the last three administrations. If the Confederates captured Fort Craig, Albuquerque, and Santa Fe, and thus obtained a permanent foothold in New Mexico, Need warned that the Union cause would "be terribly menaced, if not absolutely lost, on the Pacific side."[31]

Although Baylor's July 1861 campaign had been an independent and locally-conceived operation, his forces had won control of the upper Rio Grande country in Arizona, which lay not only astride the southern overland route to California but also furnished a base of operations for invasion of New Mexico. In fact, even before Baylor had begun to move up the river from El Paso early that July, Henry H. Sibley, one-time U.S.A. major, now Confederate brigadier-general and recently in Richmond, was on his way to San Antonio to organize a mounted brigade of Texas troops for the New Mexican conquest.[32] While in Richmond, Sibley, and other officers with Southern sympathies who had left New Mexico, stressed the weakness of Union forces in that area and the amount of Southern sentiment among the prominent Americans (the governor excepted) – a view confirmed by Baylor in September.[33] Confederate successes in Missouri were encouraging, Baylor stated.[34] Also encouraging was the news that Simeon Hart and Judge Crosby at El Paso were buying up supplies in northern Mexico for Sibley's army, Hart assuring Sibley that they would be enough to last him until federal stores in New Mexico could be captured.[35]

But difficulties in the enlistment of troops and in securing ordnance stores delayed Sibley's plans. Of his three regiments, the first to leave for the long march into New Mexico was under the command of Col. James Reily of Nacogdoches.[36] One of Reily's soldiers believed that their destination was Tucson, Arizona, where they were to meet several thousand Southern sympathizers from California and then "switch off down in and take Sonora, Chihuahua, Durango, and Tamaulipas in Mexico and add them to the Confederacy."[37] Reily's troops were described as producing a "war-like aspect"; that this augured no good for the enemy, and that someone likely would "get hurt."[38] A Texan who saw them leave believed that the Northern forces in New Mexico could easily be overrun, "with the result that probably the Far Western States, including Arizona, or even California, might join the Confederacy."[39] By November 29, 1861, Reily's regiment was at Fort Davis, having completed a march of 475 miles with Fort Quitman as its next stop.

The second regiment, commanded by Col. W. R. Scurry, left San Antonio on November second, Sibley himself with his staff on the eighteenth, and the third regiment, under Col. William Steele, was to follow in a few days. But weeks of failure and disappointment passed before Sibley could report that he was advancing to the field of duty to accomplish "everything designed there by his excellency the President."[40]

For several months, Canby at Santa Fe had been laboring to organize the defensive resources of New Mexico; martial law had been placed over the territory; several regiments of New Mexican volunteers created; and Fort Union, northeast of Santa Fe, and Fort Craig, on the Rio Grande above the Jornado desert, were strengthened and designated as the main centers of defense.[41]

On February 7, 1862, from old Fort Thorn at the upper end of the Mesilla Valley, the New Mexican invasion began, Sibley's army, reduced by sickness and detachment to about 2600 men, moving northward across the Jornado to Fort Craig.[42] The Texans had brought no provisions with them from San Antonio except those needed en route. Consequently a forward movement toward federal stores at Fort Craig no longer could be delayed. "Forage there was none; commissary supplies were getting scarce; the cold season was coming on; clothing was needed; all of which the country afforded none." So said Theophilus

Noel, self-styled correspondent of the expedition.[43] In addition, the mountains were full of Indians, about whom a Texan wrote from Fort Thorn, "we dread them worse than the Lincolnites, by odds."[44] Another Texan, Ebenezer Hanna, soon to die in the battle of Glorietta, began a diary at Fort Thorn; according to one entry, on the march to Fort Craig snow had begun to fall "so hard as to almost peel the skin off your face," instead of the "big battle or foot race" expected.[45]

Upon reaching Fort Craig, Sibley offered battle on the open plain south of the fort, which Canby refused. But on the morning of February twenty-first, as the Texans were attempting to water their horses at Valverde (a few miles above the post), Canby's troops succeeded in driving them from all points near the crossing. Late that afternoon the Texans charged down the slopes of the valley and captured the Union battery, the commanders of the battery and of the Confederate assault both losing their lives in the fighting, together with most of the gunners manning the battery, while the infantry supporting them were forced back into the river.[46]

Canby returned to Fort Craig, charging his defeat to the ineffectiveness of his volunteer troops. The fort was considered too strongly defended to be taken, therefore the Texans proceeded up the Rio Grande. Headquarters were established at Albuquerque, the small federal force there fleeing to Santa Fe, which was in turn abandoned on March 4, 1862, government stores being transported to Fort Union, thirty miles north of Las Vegas. A few days afterwards a Confederate force occupied the capital. "We were to wait a short time," wrote a captured Texan, "and then march on and take Fort Union, which, we thought, was ours already; and then New Mexico would belong to the new government of the South, and it would then be so easy to cut off all communication with California."[47]

Sibley failed to capture Fort Craig and the bulk of federal stores in depot above that post. Over half of his horses had been lost on the march, and after Valverde his first regiment was ordered to dismount to provide horses for the artillery and other regiments of his command. "I now feel the pleasure of soldiering in New Mexico more plainly," said Ebenezer Hanna, whose diary shows the displeasure of Texans "who have never been accustomed to walking." He was not too happy at other prospects in New Mexico, "a thousand miles away from home a foot" surrounded on all sides by Mexicans and "Savage Indians" and with the enemy "between us and all connection with the South."[48]

With Sibley's army in possession of Santa Fe, the executive department of the territory was transferred to Las Vegas by Governor Connelley. Canby had decided to remain with the Union forces at Fort Craig and wait until help reached him from outside the territory. To Maj.-Gen. H. W. Halleck, commanding the Missouri department at St. Louis, an appeal was made for immediate reënforcement:

> A force of Colorado Volunteers is already on the way to assist us, and they may possibly arrive in time to save us from immediate danger; but, my dear sir, we must look to the future. The conquest of it [New Mexico] is a great political feature of the rebellion. It will gain the rebels a name and prestige over Europe, and operate against the Union cause....
>
> These Texans will not rest with the forces they have already with them, but they will have large additions to their command here, in order to extend their conquests towards old Mexico and in the direction of Southern California....[49]

Confederate operations in Arizona and New Mexico had aroused apprehension regarding their designs on Mexican territory. As early as May 1861, the state department at Washington had been questioned on the subject by the Mexican minister,[50] to whom Secretary Seward had replied that the United States planned to concentrate in Arizona a body of troops from the Pacific coast, and it desired permission from Mexico to land them at Guaymas, on the Gulf of California, through which they could more easily reach their destination.[51] This had been granted unanimously by the Mexican congress on June 20, 1861, although at the same time fear was expressed that its action would be used by the Confederacy as a pretext to open hostilities for the purpose of acquiring Mexican territory.[52]

Such appeared to be the case. When John T. Pickett, Confederate official accredited to the Juarez government, learned in Mexico City that the United States had been given permission to cross Mexican territory, he began to threaten military reprisals, declaring on one occasion that a large Confederate force was moving toward El Paso with the intention of occupying Arizona and New Mexico, and that if the United States took advantage of the offer, war would probably ensue between Mexico and the Confederate States.[53] In his dispatches to Richmond, Pickett urged the Confederacy to take possession of Mexican territory.[54]

Along similar lines, Sibley revealed to one of his officers at El Paso that, after the occupation of Arizona, New Mexico and California, the Confederacy would next acquire, either through purchase or conquest, the north Mexican states of Chihuahua, Sonora, and Lower California.[55]

During the months spent in San Antonio, information had continued to reach him, in spite of assurances to the contrary, that an expedition was forming in California for a movement against Texas and that Mexico would permit U. S. troops to cross its territory. Upon arriving at El Paso, he had sent Col. James Reily, his next in command, to Chihuahua and Sonora, the Mexican states adjacent to Arizona.[56] His reception by the governor and other officials of Chihuahua was so cordial that on his return to the Rio Grande in January 1862, Reily congratulated Sibley on having obtained the first official recognition of the Confederate government by any foreign power.[57] Although Reily reported that the governor had privately assured him that federal troops would not be permitted to cross Chihuahua, even if the central government should demand it, Sibley was officially told that the state would abide by the constitutional laws of Mexico, which gave the Mexican congress power to permit or deny the entrance of foreign troops. This also applied to pursuit of Apaches into Chihuahua by Texans; however, permission to purchase and store provisions across the line was readily granted.[58]

During his stay of twenty-one days in Chihuahua, Reily had written to a fellow-Texan, P. M. G. John H. Reagan, describing the state as a rich and glorious neighbor which would improve under the Confederate flag. "With Sonora and Chihuahua we gain Southern California," he continued, "and by a railroad to Guaymas render our state of Texas the great highway of nations."[59] After participating in the raising of the Confederate flag at Tucson by making a speech in the public plaza, Reily left on March 3, 1862, for the Sonoran capital with a letter to the governor and an escort of two officers and twenty men.[60]

In November of 1861 Colonel Baylor had written that "California is on the eve of a revolution," and had recommended that Southerners in that state be induced to join the Confederate army.[61] With about a hundred Arizona troops of Baylor's command, Capt. R. S. Hunter had been sent by General Sibley to establish a post at Tucson, his desire being, as he reported on January 27, 1862, to protect "the important and growing interest, chiefly mineral, in western Arizona" and to open communication with southern California where Sibley believed the population was "favorably inclined" to the Confederate government.[62] Hunter's force arrived at Tucson on February twenty-eighth when the Texans were hailed by the entire population and where he had found that a few citizens, "more ultra in their Southern feelings than the rest" and alarmed at reports of a California invasion, had been preparing to seek safety on the Rio Grande.[63] Within a few weeks, Captain Hunter had pushed his troops along the southern overland route to the Pima villages, from which small detachments scouted the road leading to Fort Yuma, the federal post on the California side of the Colorado River.

On the west coast, Gen. E. V. Sumner had assumed command of the Pacific department of the U. S. army in April 1861. During the following months, his headquarters at San Francisco received reports of groups of men organizing at different points, especially in southern California, for the ostensible purpose of either beginning hostilities in the state, enlisting for service in the south, or meeting a Confederate invasion from Texas. After Baylor's occupation of Arizona in July of that year, these groups were reported gathering in increasing numbers, collecting supplies, and evidently preparing to receive a Confederate army.[64] The southern military district was reënforced to check the movement, for Sumner feared that civil war would immediately begin should a Confederate force get into the state as a rallying point for the secession element.[65] He issued to his command on September 3, 1861, the single-line general order: "No Federal troops in the Department of the Pacific will ever surrender to Rebels."[66] A strong military camp was established at Warner's Ranch between Los Angeles and Fort Yuma to support that post, to prevent the gathering of Confederate recruits in the region, and to resist any force advancing through Arizona. Fort Yuma itself was reënforced, boats and ferries on the river seized and guarded, and civilians forbidden to cross into either Arizona or Sonora without permission. The noted secessionist, Dan Showalter, was arrested with his party and held during the winter at the fort; however, by the end of the year southern California was generally quiet, except for small groups seeking to cross the frontier. In the meantime an expedition was being organized to move against the Confederates in Arizona.[67]

While preparations were under way, the attention of military authorities was directed toward the activities of Colonel Reily in Sonora. The U. S. consul at Mazatlan managed to secure a copy of Sibley's letter to the Sonoran governor, in which, in addition to the requests he had made upon the governor of Chihuahua (see above), Sibley sought permission to establish a depot at Guaymas and a right of transit across Sonora.[68] The governor was reported to have denied him these privileges, although Reily, while at Ures (the capital), had boasted that he had obtained all he had asked for and even more.[69] On May 1, 1862, Gen. George Wright, now commanding the Pacific department, addressed a letter to Ignacio Pesqueira, the Sonoran governor, assuring him that the United States would protect his state against invasion.[70] Fearful that Sibley might enter it under pretext of chasing hostile Indians, Wright had, the day before, ordered Col. James H. Carleton, then at Fort Yuma, to pursue the Texans without regard for boundary lines, in the event that they crossed into Sonora.[71] In letters to the governors of both Chihuahua and Sonora, Carleton pointed out that the South could never establish itself as an independent nation.[72] Within a month he received a reply from Pesqueira assuring Carleton that only the rights of a neutral nation had been offered the Confederacy, and that Reily's assertions while in the capital had been "exaggerated, or perhaps badly interpreted."[73]

By the end of April 1862 the greater part of Carleton's 1500 troops, crossing the desert by companies one day apart, had reached Fort Yuma and, from there, had resumed their march to the Pima villages. This forced back the Texans, who, having destroyed hay and other Union supplies along the route and captured ten members of a scouting party, had come to within fifty miles of the fort.[74] They were now retreating to Tucson, and by May twentieth, when Carleton's advance guard reached that Confederate stronghold, the Texans had fled to the Rio Grande, accompanied by most of the American residents.

Colonel Reily had already passed through Tucson on his return from his mission to Sonora. From Doña Ana on April 17, 1862, he wrote that he had obtained his second recognition of the Confederacy, pointing out that in consequence of his missions to Chihuahua and Sonora – which took him over 1400 miles in sixty-one days, mostly through country controlled by the Apaches – "unlimited and unrestricted right" to buy supplies in Sonora had been obtained, together with the right of transit through the state and permission to establish a depot at Guaymas. California authorities, he said, had thus been thwarted in their negotiations with Governor Pesqueira for permission to send federal troops through Sonora. The capture of Carleton's scouting party on the road to Fort Yuma Reily hailed as the first victory of the Confederacy on the Pacific. "Others will follow"; the advance of a more respectable Confederate force on Fort Yuma would arouse the people of southern California, the majority of whom "are with the South."[75]

With Sibley's army in possession of Albuquerque and Santa Fe, Confederate ambitions during the month of March 1862 seemed well on the road to fulfillment.[76] The Texans apparently were unaware of the approach of a volunteer regiment from the mining regions of Colorado to drive them from the country, or of the organization of the California column. The Colorado troops (some 1300 men, including those from Fort Union), having learned of Canby's defeat at Valverde, were even then making forced marches over the mountains to New Mexico.[77] In Apache Canyon, only a day's march from Santa Fe, their advance guard engaged 500 Texans for two hours. The following morning, Col. W. R. Scurry, with 600 Texas troops from Albuquerque, reached the scene of battle, and the combined force then waited in a strong position for the "Pike's Peakers."[78] Next day (March 28, 1862) they moved on down Apache Canyon to Glorietta Pass, its eastern entrance. The Coloradans had now brought up their main force, first sending a detachment under Maj. J. M. Chivington on a circuitous route over the mountains. In the furious six-hour battle which followed, neither side gained a decisive victory, and, shortly after sundown, Col. J. P. Slough, the Colorado commander, withdrew toward Fort Union to protect that post, while the Texans, learning that Major Chivington had circled the fighting in the canyon and had fallen upon their wagon guards — afterwards destroying animals, wagons, ammunition and their entire supplies — returned to Santa Fe, where Colonel Scurry reported that the loss of his supply train had forced him back "for something to eat."[79]

Within a few days General Sibley was withdrawing the troops from Santa Fe and making preparations to leave the country. Canby, who left Fort Craig on April first, appeared before Albuquerque eight days later, and engaged in two days of skirmishing with Sibley before withdrawing to Tijeras, where a junction with the Colorado troops was effected. He then started in pursuit of the Texans, who were moving down the river. On April fifteenth he attacked them at Peralta but afterwards refused to oppose their retreat.[80] That night Sibley crossed the river at Los Lunas, and during the following two days both armies moved down the river in sight of each other, the Texans on the west side, Canby's forces on the east. On the night of April seventeenth, the Texans, in order to avoid Fort Craig, recrossed the Rio Grande and fled into the mountains, striking the river again about thirty miles below the post.

Their arms and equipment abandoned or destroyed, and with only half of their force remaining, the Texans during the month of May were scattered along the Rio Grande in Arizona, collecting the means necessary to enable them to leave the country.[81] There was little optimism that Arizona could be held, although one Texan reported that Judge David S. Terry, California's foremost secessionist, with 1500 well-armed and mounted Californians was coming by the Gila route to join them. "If this is true," he wrote, "we will have a lively time yet in the valley of the Mesilla."[82] Two additional regiments were being organized at San Antonio, and information had come through that Arizona and New Mexico were to be held at all hazards.[83] But federal armies from three states were preparing to converge on them: the Colorado volunteers were with Canby at Fort Craig, the California column was at Tucson, and a large force was assembling at Fort Riley, Kansas, under orders to march to New Mexico.[84] Moreover, Sibley reported from El Paso on May 27, 1862, a complete lack of ammunition and supplies – nothing could be purchased on the Mexican side of the Rio Grande with Confederate paper. He pointed out that future operations should not rely upon New Mexico's resources, and expressed his conviction that "except for its political geographical position, the Territory of New Mexico is not worth a quarter of the blood and treasure expended in its conquest." As a field of military operations, it had a "multiplicity of defensible positions," but the essential element, food, could not be relied upon.[85]

By June 17, 1862, Sibley's first two regiments had left El Paso and were on the road to San Antonio, 400 men remaining behind in Arizona – hardly enough troops to hold the territory, the San Antonio *Herald* noted, "when the whole Brigade seems to have been insufficient for that purpose."[86] A California army, it reported, was advancing on Tucson. Evacuation was unavoidable, and the paper ran a series describing the pitiable condition of the retreating soldiers: they were "suffering terribly from the effects of heat; very many of them are a-foot, and scarcely able to travel from blistered feet. They were subsisting on bread and water, both officers and men. . . . They were all cheerful, for their faces were turned homeward." Many families from El Paso were said to be on the road to San Antonio. "Franklin [El Paso] is almost entirely deserted. The people on this side of the river are dependent on the Mexicans for supplies and Confederate paper with them is no currency at all . . . two thirds of the suffering of our men has been that they could not use our money to buy necessaries."[87] On July fifth the *Herald* published an appeal from Colonel Reily for the people of the western counties of Texas to meet "these returning heroes as far on the road as possible." They were on foot and, upon reaching San Antonio, would have marched as infantry nearly fifteen hundred miles since forced to dismount after the battle of Valverde.

The Austin *Gazette* editorialized that the invasion of New Mexico had been a "grand failure." The brave troops of Texas had been sent to conquer a barren wilderness,

> and after having performed prodiges [*sic*] of valor, and defeated the enemy in two pitched battles, have been compelled to abandon the country from the sheer want of something to eat. . . .
>
> The force operating in New Mexico has been chasing a shadow . . . may the brave remnant now toiling their way back, fighting against those worst of enemies, hunger and thirst, yet have the opportunity of meeting and conquering them somewhere within the bounds of civilization, where the soil is not sand, the water the essence of bitterness, the towns hovels of mud, the comforts fleas and rattlesnakes, and the people coyotes.[88]

On the other hand, a recent arrival from Albuquerque wrote the San Antonio *Herald* that New Mexico, Arizona, and western and northern Texas were worth fighting for; they were "really the bone of contention in this war," and, in addition to their value for livestock, grain and mineral resources,

> They are indispensable to the Confederate States as a thoroughfare to the Pacific and for the purpose of securing to her a portion of the coast and harbors of that ocean, which as Confederate ports might (it will be easily seen) be made to command by far the greater portion of the commerce of the Pacific. Who would go to San Francisco if we had as good a port farther South, at the terminal of a railroad, the other terminal being on the Gulf of Mexico and the Mississippi? What other railroad and port could compete with them?[89]

The same correspondent in the issue of August sixteenth noted the arrival of a party of Californians "spoiling for a fight," and asked, "Is there no way to gratify them?"

The advance guard of Carleton's California column arrived at Fort Thorn on July 4, 1862; four days later, Confederate troops abandoned Arizona and were on their way to San Antonio.[90] By August first he had set up his headquarters at Mesilla, sending detachments later to take possession of forts Bliss, Quitman and Davis in Texas,[91] with the result that, on September 21, 1862, he was able to proclaim: ". . . troops from the Atlantic and Pacific slope — from the mountains of California and Colorado, acting in the same cause, inspired by the same duties, and animated by the same hopes — have met and shaken hands in the center of this great continent."[92]

Efforts were made thereafter until the end of the war by Californians, Arizonans, New Mexicans, and Texans to revive interest in another invasion. For example, President Jefferson Davis was informed on March 24, 1863, that in the latter part of 1862 native troops had defeated the small federal force remaining in New Mexico and were in possession of the greater part of the territory. Their revolt had reportedly been inspired by federal misrule and by wealthy citizens who believed that Lincoln's emancipation proclamation would be "subversive of the entire territorial labor system."[93] This had sounded plausible to Davis and he sought a ruling from the justice department regarding his powers to appoint a territorial governor for New Mexico. The reply was that while Davis had no authority from Congress to assume jurisdiction over New Mexico, ". . . Southern blood and Southern treasure were both freely expended in [its] acquisition by the United States, whilst the Confederate States formed a part thereof. The withdrawal of the Confederate States did not extinguish their claim to the public property held by the United States as a common Trustee of all the States."[94]

In June of the same year, Davis was urged to authorize the immediate invasion of Arizona and New Mexico; that the territories be permitted to "redeem themselves." This could be done with the large non-conscript element on the frontier and the many California refugees in Texas and northern Mexico. The Confederacy could not afford, said his correspondent, to abandon Arizona and New Mexico for three reasons: Confederate relations with Mexico, its interests in the Pacific, and its domestic and foreign policy. As to the second, "Arizona affords the only practicable route to us for a trans-continental railroad. Our commercial relations may, sooner or later, necessitate such an enterprise. Then would the territory become a sine qua non." He also noted that the development of Arizona's mineral resources would bolster the Confederate currency. The territories' fate, he warned, would be determined only by treaty or by force of arms, and if, at the close of the war, they were in the hands of the Confederacy, they could be better bargained for. "If we would possess the Territories, should we not take them while there is yet opportunity?"[95]

From San Antonio on February 14, 1864, came a suggestion that Arizona and New Mexico be recovered with about a hundred men under Col. Dan Showalter, whose force would be introduced into Arizona from Mexico. The Confederates would then capture Fort Yuma and open communications with Southern California "from whence a sufficient number of men can be drawn to sweep the entire Territories east and establish beyond cavil the claim of the Southern Confederacy to the country."[96] In December 1863, Judge L. W. Hastings, recently arrived from California, had believed this could be done with forces drawn entirely from California. His proposal, which had received considerable support at Richmond, was to return, by way of Mexico, to California, where a large force would be recruited and introduced into Arizona as miners and emigrants to Mexico. This would, he wrote, "keep the thoroughfare open from the Pacific to Texas, and maintain an unbroken intercourse between California and the Confederate States, so as to enable the thousands of Californians who desire to aid in the Confederate cause to do so at will and with safety." The occupation of Arizona would also secure to the Confederacy "not only immediate and efficient military aid with its best moral influence both at home and abroad, but also a connecting link between the Atlantic and Pacific Oceans, the best and most feasible line of communication across the continent, the only practicable Atlantic and Pacific railroad route, the most valuable agricultural and grazing lands, and the richest mineral region in the known world."[97]

Another letter sent to President Davis in the spring of 1864 expressed the fear that Arizona and New Mexico, in the hands of the North, would be harbors for fugitive slaves. Moreover, without the territories the Confederacy was cut off from the Pacific, while with them the South would have a great advantage in the commerce of that ocean over the other aspirants. Their surrender, he wrote, "cuts us off from any prospects of future expansion and the fact of our final subjugation or inferior position, being thus surrounded, would be a mere question of time."[98]

Late in 1864, Baylor proposed the reconquest of Arizona, although he was then a representative at Richmond from his district in Texas. He would use 2500 Texans and make a sudden move upon the country, after which communication with southern California would be opened. Judge Terry and Colonel Showalter had informed him that 15,000 to 20,000 Californians could be obtained for the Confederate army. Baylor pointed out that the Confederacy might reasonably expect reënforcements from southern California, which he declared was "settled almost entirely by Southern people."[99] Although the war department rejected the plan, Davis endorsed it with the notation that if the least optimisic number of Californians were obtained, the expedition would be worth the effort. Baylor was recommissioned a colonel, and given authority to raise a regiment in Texas for the undertaking.[100] This was on March 25, 1865, in the closing days of the Civil War.

Confederate hopes for western territory ended with the surrender of Lee's army, although there were those who sought to continue the struggle from the remote border-areas of the United States and Mexico. The last real chance for western domain had faded, however, with the Confederate retreat from New Mexico in 1862.

NOTES

1. *Journal of the Secession Convention of Texas, 1861,* Ernest W. Winkler, ed. (Austin, 1912), pp. 270, 272, 280.

2. *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* [hereafter cited as *O. R.*] (Washington, D. C., 1897), ser. 1, I, 567-72. See also W. W. Mills, *Forty Years at El Paso, 1858-1898* (n.p., 1901), pp. 38-39.

3. *O. R., op. cit.*, pp. 577-78. Baylor's exploits as a frontier Indian-fighter in north Texas and as an ardent secessionist had already won him a state-wide reputation. Texas adj.-gen.'s files, 1860-61; and Governor's Letterbook, LXXX, 50 (Texas state library, Austin).

4. Mills, *op. cit.*, p. 24; W. W. H. Davis, *El Gringo* (New York, 1857), pp. 374-84. As to Magoffin's services to General Kearney in 1846, see H. H. Bancroft, *History of Arizona and New Mexico* (San Francisco, 1889), pp. 412-13.

5. For Hart's efforts to encourage a Confederate invasion of New Mexico, see *Texas State Gazette* (Austin), March 30, 1861.

6. W. Clement Eaton, "Frontier Life in Southern Arizona, 1858-1861," *Southwestern Hist. Quart.*, XXXVI (Jan. 1933), 173-92; Bancroft, *op. cit.*, pp. 503-508; F. S. Donnell, "The Confederate Territory of Arizona, as Compiled from Official Sources," *New Mexico Hist. Rev.*, XVIII (April 1943), 148-63. Arizona's white population in 1860 numbered 8760, about one-third of whom were Anglo-Americans.

7. An ordinance of Feb. 4, 1861. *Confederate Military History,* Clement A. Evans, *ed.* (Atlanta, 1899), XI, 22; *Journal of the Secession Convention, op. cit.*, p. 67.

8. Simeon Hart to Gov. Edward Clark, El Paso, May 29, 1861 ([John T.] Pickett Papers, domestic correspondence of the Confederacy, office of secy. of state, Ramsdell Collection, Univ. Texas library, Austin, microfilm 200).

9. Concerning Herbert's report as commissioner to Arizona and New Mexico, see Governor's Letterbook (as in note 3 above), pp. 60, 64, 98.

10. Samuel Cozzens, *The Marvelous Country or Three Years in Arizona and New Mexico* (Boston, 1876), pp. 204-205; Mills, *op. cit.*, p. 44.

11. Mesilla *Times,* March 2, 1861. Quoted in Loomis M. Ganaway, "New Mex-

ico and the Sectional Controversy, 1846-1861," *New Mexico Hist. Rev.*, XIX (Jan. 1944), 44.

12. A similar meeting at Tucson resulted in the secession of that region. Bancroft, *op. cit.*, p. 511 (note 32).

13. Bancroft, *ibid.*, pp. 680-83; Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (Cedar Rapids, 1912), II, 360-61; Albert D. Richardson, *Beyond the Mississippi, 1857-1867* (New York, 1867), p. 264.

14. Such charges had been given national prominence by Horace Greeley during the Dec. compromise proposals in Washington. New York *Tribune*, Dec. 31, 1860.

15. A. M. Jackson to Orlando Davis, Santa Fe, Feb. 17, 1861 (Pickett Papers, as in note 8 above).

16. Capt. H. C. Cook to Simeon Hart, El Paso, May 29, 1861 (*ibid.*). Cook's letter was inclosed as a part of Hart's report to Gov. Clark of Texas.

17. Lt.-Col. B. S. Roberts, testifying in "The Invasion of New Mexico," Rept. of Joint Committee on Conduct of the War, *Sen. Misc. Docs.*, no. 108, 37th Cong., 3d sess., pp. 364-72.

18. Mills, *op. cit.*, pp. 45-46; W. W. Mills to John S. Watts, June 23, 1861, *O. R.*, ser. 1, IV, 56-57.

19. *O. R.*, ser. 1, L, pt. 1, pp. 501-502. Others signing the letter were R. P. Kelley, editor of the Mesilla Times; "Governor" L. S. Owings; and James A. Lucas, "territorial secretary" and chairman of the March secession convention.

20. *O. R.*, ser. 1, IV, 96. *Cf.* Bancroft, *op. cit.*, p. 688 (note).

21. *O. R.*, *ibid.*, p. 58. For contemporary accounts, see Lydia Spencer Lane, *I Married a Soldier* (Philadelphia, 1893), pp. 105-112; Maj. James Cooper McKee, *Narrative of the Surrender of a Command of U. S. Forces at Fort Fillmore, N. M., in July A. D., 1861* (Boston, 1886).

22. *O. R.*, *ibid.*, pp. 45-46, 63-64.

23. Baylor first reported his force at 258 men, although later he wrote that he came into Arizona with 375 troops, which probably included volunteers enlisted at El Paso. *O. R.*, ser. 1, L, pt. 2, p. 152.

24. Mesilla *Times*, July 27, 1861, quoted in Ganaway, *op. cit.*, p. 72.

25. The Dallas *Herald*, Aug. 14, 1861, published an account of the Mesilla fight from the Mesilla *Times*, and also a letter from Judge J. S. Crosby of El Paso describing Baylor's successes. For official reports and communications, see *O. R.*, ser. 1, IV, 1-45.

26. *Ibid.*, pp. 22-23.

27. *Ibid.*, pp. 791-92.

28. J. Ross Brown, *Adventures in the Apache Country: A Tour through Arizona and Sonora* (New York, 1869), p. 25; and Hattie M. Anderson, "With the Confederates in New Mexico during the Civil War – Memoirs of Hank Smith," *Panhandle-Plains Hist. Rev.*, II (1929), 65-68.

29. Quoted in the *Texas State Gazette* (Austin), Oct. 26, 1861.

30. *O. R.*, ser. 1, L, pt. 1, pp. 636-37.

31. Jefferson Davis's ownership of Chihuahua mining property appears to have been one of the many rumors concerning his western ambitions as president of the Confederacy.

32. New Orleans *Daily Picayune*, July 16, 1861. Sibley, a native of Louisiana, was known for his invention of the Sibley tent, its design having been suggested by the Comanche tents he had seen during his command of Fort Belknap in Texas. John Salmon Ford, "Memoirs" (manuscript, Texas state library, Austin), IV, 670-72.

33. *O. R.*, ser. 1, IV, 109-110. The native New Mexicans, however, Baylor reported to be decidedly Northern in sentiment. *Ibid.*, pp. 132-33.

34. *Ibid.*, pp. 128-29.

35. *Ibid.*, pp. 133-34.

36. A soldier in Reily's regiment has left the only Confederate account of the New Mexican campaign. Theophilus Noel, *A Campaign from Santa Fe to the Mississippi* (Shreveport, La., 1865), in Texas state library, Austin.

37. *Autobiography and Reminiscences of Theophilus Noel* (Chicago, 1904), p. 65.

38. *Texas State Gazette* (Austin), Nov. 2, 1861.

39. R. H. Williams, *With the Border Ruffians, 1852-1868* (London, 1907), p. 201.

40. *O. R.*, *ibid.*, pp. 141-43. That Sibley was acting "under instructions from the President" had been specifically stated in orders from Richmond to Col. Van Dorn at San Antonio. *O. R.*, ser. 1, I, 93.

41. For Union correspondence during this period, see *O. R.*, ser. 1, IV, 34-90. See also Report of Joint Committee . . . (as in note 17 above), pp. 364-72.

42. This estimate of Sibley's force is Canby's. *O. R.*, ser. 1, IX, 488. Canby had collected over 3800 troops at Fort Craig, including, besides the New Mexican volunteers, one thousand regulars and as many hastily-gathered and unorganized militia.

43. Noel, *A Campaign* . . . (as in note 36 above), p. 12.

44. *Texas State Gazette* (Austin), Feb. 15, 1862.

45. "Journal of Ebenezer Hanna, Feb. 10 to March 27, 1862" (manuscript, Texas state library, Austin), p. 2.

46. Official reports of the battle are in *O. R.*, ser. 1, IX, 487-525. See also George H. Pettis, "The Confederate Invasion of New Mexico and Arizona," in *Battles and Leaders of the Civil War*, Robert Underwood Johnson and Clarence Clough Buel, eds. (New York, 1884-1887), II, 103; William Clarke Whitford, *Colorado Volunteers in the Civil War: The New Mexican Campaign in 1862*, Pubs. [Colorado] State Hist. and Natural Hist. Soc. (Denver, 1906), I, 60-68.

47. *Ibid.*, pp. 93-94.

48. Ebenezer Hanna (as in note 45 above), p. 7.

49. Feb. 28, 1862, *O. R.*, ser. 1, IX, 634-35.

50. M. Romero to William Henry Seward, May 3, 1861, *House Ex. Docs.*, no. 1, 39th Cong., 2d sess., III, 535-37.

51. Seward to Romero, May 7, 1861, *ibid.*, pp. 538-39.

52. Thomas Corwin to Seward, "Memorandum," *ibid.*, pp. 541-42.

53. Same to same, Sept. 7, 1861, *House Ex. Docs.*, no. 100, 37th Cong., 2d sess., VIII, 23.

54. Frank Lawrence Owsley, *King Cotton Diplomacy* (Chicago, 1931), pp 102-105. Unknown to Pickett, these dispatches were not being delivered.

55. T. T. Teel, "Sibley's New Mexican Campaign – Its Objects and the Causes of its Failure," in *Battles and Leaders of the Civil War* (note 46 above), p. 700.

56. *O. R.*, ser. 1, IX, 167-68.

57. Jan. 20, 1862, *ibid.*, p. 174.

58. Luis Terrazas to Sibley, Jan. 11, 1862, *ibid.*, pp. 171-72.

59. Jan. 26, 1862, *O. R.*, ser. 1, L, pt. 1, pp. 825-26.

60. *Ibid.*, pp. 944-45; *O. R.*, ser. 1, IX, 707.

61. Nov. 2, 1861, *O. R.*, ser. 1, IV, 149.

62. *Ibid.*, pp. 169-70.

63. *O. R.*, ser. 1, IX, 707. An observer at Tucson noted that any troops, Union or Confederate, who could give protection against the Apaches, would have been well received there. *Ibid.*, p. 868.

64. *O. R.*, ser. 1, L, pt. 1, p. 623; J. M. Scammel, "Military Units in Southern California, 1853-1862," *Calif. Hist. Soc. Quarterly*, *XXIX* (Sept. 1950), 229-49.

65. *Ibid.*, pp. 610-11. An Arizona mining engineer, passing through southern California in the summer of 1861, formed the impression that almost the entire population consisted of emigrants from the Southern states. "A Northerner," he recorded later, "was in as much danger as he would have been in the worst parts of the South." Raphael Pumpelly, *Across America and Asia* (New York, 1870), p. 66. See also John J. Earle, "The Sentiment of the People of California with Respect to the Civil War," American Hist. Assoc., *An. Rept.*, I (1907), 134. A large number of Mormons in southern California were expected to welcome a Confederate army. *O. R.*, ser. 1, L, pt. 1, pp. 548-51.

66. *Ibid.*, p. 603.

67. *Ibid.*, p. 773. An expedition to march against Texas from Mazatlan, Sonora, authorized from Washington, had been canceled. *Ibid.*, p. 572.

68. Sibley to Ignacio Pesqueira, Dec. 16, 1861, *ibid.*, pp. 766-68.

69. *Ibid.*, pp. 989, 1013, 1042.

70. *Ibid.*, pp. 1047-48.

71. April 30, 1862, *ibid.*, p. 1042. Carleton's recommendation was for his troops to occupy Sonora before Sibley's did. *Ibid.*, p. 1071.

72. *Ibid.*, pp. 1044-45; *O. R.*, ser. 1, L, pt. 2, p. 245.

73. June 2, 1862, *O. R.*, ser. 1, L, pt. 1, pp. 1117-18. Pesqueira answered Wright, Aug. 29th, stating that he had handled Reily with great precaution, but had promised him nothing; he assured Wright that any step through Sonora "by any force from the South under any pretext whatsoever" would be considered an invasion by force of arms. *O. R.*, ser. 1, L, pt. 2, p. 93.

74. *O. R.*, ser. 1, IX, 597.

75. James Reily to J. H. Reagan, Mesilla, April 17, 1862, Pickett Papers, *op. cit.*, microfilm 200. Reily reported that Captain Hunter had returned with him from Tucson and was then at Doña Ana.

76. The Mesilla *Times*' report that the battle "is generally considered in this valley to have decisively ended military operations in New Mexico . . .," was reprinted in the San Antonio *Herald*, March 22, 1862.

77. For Colorado's part in the New Mexican campaign, see Whitford (note 46 above); and A. A. Hayes, Jr., "An Unwritten Episode of the Late War," *New Colorado and the Santa Fe Trail* (New York, 1880), pp. 160-74; and "The New Mexican Campaign of 1862," *Magazine of American History*, XV (Feb. 1886), 171-84.

78. The Confederate march on Fort Union is described in a letter by Capt. J. B. McCown, Las Cruces, May 6, 1862, to the Bellville (Texas) *Countryman*, June 11, 1862.

79. Confederate reports generally describe the engagement as the Battle of Glorietta; Union reports as the Battle of Apache Canyon. *O. R.*, ser. 1, IX, 533-45.

80. Canby's reason for letting the Texans escape was that he could not feed them as prisoners. Others accused him of leniency toward Sibley, his brother-in-law.

81. Union estimates of Sibley's losses, and the hardships endured, are borne out by Captain McCown's letter (note 78 above) that, out of 900 men of his regiment who had left San Antonio, only 428 answered roll call. See also Theophilus Noel's *Autobiography* . . . (note 37 above), pp. 63-64.

82. McCown, *ibid.*

83. Jefferson Davis to Sibley, June 7, 1862, *O. R.*, ser. 1, IX, 717-18; R. E. Lee to P. O. Hebert, May 31, 1862, *ibid.*, p. 716.

84. About 5000 men were being organized at Fort Riley for service in New Mexico. *O. R.*, ser. 1, VIII, 628, 631, 653-54. See also Samuel J. Crawford, *Kansas in the Sixties* (Chicago, 1911), p. 45.

85. *O. R.*, ser. 1, IX, 511-12, 714. For opinions on Sibley's conduct of the campaign in New Mexico, see Noel, *A Campaign* . . ., *op. cit.*, pp. 14-15; and Teel (note 55 above), p. 700.

86. June 7, 1862. Sibley's second regiment reached San Antonio by Aug. 9th, the *Herald* reporting its arrival in its issue of that date.

87. *Ibid.*, June 21, 1862.

88. *Texas State Gazette* (Austin), June 7, 1862.

89. San Antonio *Weekly Herald*, July 26, 1862.

90. *O. R.*, ser. 1, X, 722. The Confederate territory of Arizona also collapsed with the retreat of Sibley's army; Colonel Baylor's military government appears to have been the only authority the region experienced. For Arizona's political affairs, see Charles S. Walker, Jr., "Confederate Government in Doña Ana County as Shown in the Records of the Probate Court, 1861-62," *New Mexico Hist. Rev.*, VI (July 1931), 252-302; Col. C. C. Smith, "Some Unpublished History of the Southwest, Arizona Hist. Rev., IV (July 1931), 13-38; San Antonio *Weekly Herald*, Jan. 11, 1862.

91. Carleton ordered Simeon Hart's flour mill confiscated, describing Hart as "a man who did more than anyone else to bring Sibley's force into this country, and who did more than almost all others to keep it supplied while here...." *O. R.*, ser. 1, IV, 578. See also, Mills, *op. cit.*, p. 7.

92. *O. R., ser.* 1, XV, 575.

93. M. H. MacWillie to Davis, Richmond, March 24, 1863, Pickett Papers, *op. cit.*, microfilm 201. MacWillie was then Arizona delegate to Richmond.

94. J. H. Watts to Davis, April 8, 1863, *ibid.*

95. MacWillie to Davis, Richmond, June 8, 1863, *ibid.*

96. Granville Oury *et al*, San Antonio, to Gen. Kirby Smith, Feb. 14, 1864, C. C. Smith (as in note 90 above), p. 32.

97. L. W. Hastings to Davis, Dec. 16, 1863, *O. R.*, ser. 1, L, pt. 2, pp. 700-705, 721-23. Authority was given to put Hastings' plan into operation, with Judge Terry in overall charge of the undertaking. Feb. 4, 1864, *O. R.*, ser. 4, III, 76. Confederate currency was valueless in northern Mexico to purchase supplies, therefore the expedition was canceled; however, Hastings' and other similar proposals had specified that cotton be purchased in Texas and sold in Mexico to obtain specie, thus avoiding a repetition of Sibley's difficulties in 1862.

98. Spruce M. Baird, Shreveport, La., to Davis, mailed May 10, 1864, Pickett Papers, *op. cit.*, microfilm 202.

99. *O. R.*, ser. 4, III, 960-61, 1035-36. 100. *Ibid.*, pp. 1168-69.

The Expedition that Never Sailed*

A Mystery of the Civil War

By Clarence C. Clendenen

Every great war in which the United States has engaged has produced innumerable military amateurs with schemes for revolutionary weapons and for operations calculated to lead to quick victory. Nothing in the world is easier than to sit in front of a map and plan a campaign, particularly if the planner is unhandicapped by any responsibility, any personal knowledge of the complexities of feeding, equipping and moving large numbers of men, or any detailed knowledge of the country into which he proposes to move them. In the opening months of the Civil War these military amateurs had their day, as did the immense number of civilians, without any technical background, who had been catapulted into positions of high command. It cannot be denied that a few of the plans had solid merit, but others approached closely to the realm of hopeful fantasy. To the latter category must be assigned the scheme for an invasion of the Confederacy from California through Mexico.

The first public intimation that something extraordinary was afoot was on August 14, 1861, barely four months after the war opened. On that date the secretary of war sent a request to the governor of California to organize, equip, and muster into the federal service four regiments of volunteer infantry and one regiment of cavalry. This request must have caused some surprise, for, only a few days before, a requisition had been made on the state of California for a single regiment of infantry and a battalion of cavalry, to take over from the regulars the mission of safeguarding the overland-mail route. The vast distance from the theater of war in the east made the use of forces from California impracticable, and it was tacitly understood that no further demands for California volunteers would be made. The first request stated specifically the mission for which the troops were destined, but the request of August fourteenth merely added the statement that the regiments were "to be placed at the disposal of General Sumner."[1]

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*Editor's note: The account of this incident as given here by Colonel Clendenen emphasizes mainly its repercussions in California, and thus complements Mr. Watford's account of the same incident as it was viewed farther east. (See this Quarterly, pp. 134-35.)

Two days later, on August 16, 1861, a telegram-pony express from the war department informed General Sumner that he had been selected to command an expedition which was to land at Mazatlan, Mexico, and march across Mexico to Texas. The mission was to recover the government posts and stores in Texas and to draw the insurgent forces southward from Missouri and Arkansas. His force would consist of the volunteer infantry and cavalry just requested from the governor of California, plus two batteries of artillery and ten infantry companies which he would select from the troops already in his department. Brig.-Gen. J. W. Denver was designated as second in command, and Capt. R. L. Ogden, assistant-quartermaster at San Francisco, was named as quartermaster for the expedition.[2] At the same time, a message to Captain Ogden directed him to start assembling shipping and land transportation, but no information whatever was given as to the directive's purpose.[3]

Several months of secret negotiations lay behind these sudden and inexplicable orders. On May 7, 1861, scarcely a month after the opening of the war, the secretary of state, William H. Seward, addressed a note to Sr. Matias Romero, the Mexican representative in Washington, informing him that the United States proposed to concentrate a strong force in California and requesting permission from the Mexican government[4] to move the troops via Guaymas and Mexican territory into Arizona—a term loosely applied to the area of the Gadsden purchase. After the lapse of almost a century it is impossible to say whose brain first conceived the idea, nor is it possible to determine the reasoning by which it was concluded that a movement of federal troops into western Texas would divert Confederate forces from Missouri and Arkansas.

On May thirty-first, President Benito Juarez forwarded Seward's message to the Mexican congress.[5] Its reception of the request was far from unfavorable. In the internal strife that had torn Mexico apart for several years, the policy of the United States, although neutral, had been distinctly sympathetic toward the liberal party of President Juarez. Indeed, on one occasion neutrality had been so far forgotten that U. S. ships had fired upon and captured Spanish vessels from Havana carrying arms and equipment for the rebels, on the grounds that they were "pirates"; in his action the naval commander had been supported.[6]

Moreover, the greater part of the impulse for the expansion of the United States at the expense of Mexico had come from the South, and there can be no doubt that information as to the Confederate constitution's provision for acquisition of additional territory had been transmitted by Romero to his government.[7] Hence, when the Mexican congress referred Seward's request to its committee on foreign affairs for recommendation, the committee voted unanimously in its favor,[8] their action being confirmed by the congress at its night session June 20-21, 1861, in spite of fear on the part of several Mexican congressmen that passage of U. S. troops through Mexican territory would incite the Confederacy to an immediate act of war. This fear had been so well countered by an unidentified deputy's argument, namely, that an independent Southern Confederacy would be a standing menace to Mexico, that the vote at the end of his speech disclosed not a single dissenter.[9]

The news had been promptly forwarded to Secretary Seward by Thomas Corwin, U. S. minister to Mexico. Earlier—in fact on the very day after the night session of the Mexican congress—the minister of foreign affairs, Sr. Lucas de Palacio y Magarola, had sent an official copy of the congressional decree to Romero, for transmittal to the U. S. government.[10] Yet Romero did not inform Seward of the approval of the Mexican congress until August twenty-sixth, over two months later.[11] There is no doubt that part of the delay was caused by the difficulties of war-time communication and by the delicate situation, then current, arising from Spanish, French, and British intervention in Mexican affairs; but even these circumstances could hardly have caused a delay of such length. Further, the telegram to the governor of California, requesting him to raise the troops for the expedition, was sent from the war department on August fourteenth, and the initial instructions to General Sumner ("by telegraph to outer station, thence by pony express and telegraph") were dated August sixteenth—both dispatches thus originating a little short of two weeks before Romero's notification to Seward.[12]

The obscurity that clouds the entire matter is further intensified by the fact that, although Seward's request was for the landing of U. S. troops at Guaymas, the orders to General Sumner directed him to land his forces at Mazatlan. Just how and why Guaymas was transmuted into Mazatlan is beyond explanation, but it may be conjectured that the amateur strategist who prepared the orders did not have a map of Mexico available, or that he did not realize that they are two distinct cities, hundreds of miles apart.

The exact date upon which Sumner received his instructions is not recorded, but on August 30, 1861, he wrote to the war department, expressing his gratification at being selected to command the expedition; "... I feel flattered by this selection, and willing to undertake it, especially on account of the almost insuperable difficulties that will attend it...."[13]

Unlike the unknown author of the order, Sumner was an experienced soldier. A hasty glance at a map of Mexico revealed to him the gross weakness of the plan he was directed to follow, as he explained in his letter, informing his Washington superiors that, "In marching to Texas I would respectfully represent that Guaymas will be a much better point of departure than Mazatlan. The roads and country from the former are much better than the latter...."[14]

Although it was obvious that Sumner did not regard the proposed plan with any real enthusiasm, he set about at once making his preparations. To conserve the slender supply of arms and munitions in California, he requested the collector of customs of the port of San Francisco to hold and under no circumstances to release all powder, shot and weapons in the port, or that might arrive later in the port.[15] At the same time he started to collect all available information about the country through which the expedition would have to march.

At that time the surveyor general of California was Edward F. Beale, who was reputed to know more about the northern part of Mexico and the newly acquired southwestern part of the United States than any other person.[16] Sumner immediately addressed a series of questions to Beale, to which Beale replied on September fifth. Beale's answer was not encouraging, and fully confirmed Sumner's anticipation of "almost insuperable difficulties."

> In reply to your interrogatories of yesterday concerning the roads by which a force could be marched through Mexico to Texas, I have to reply that the only practicable one ... is that from San Blas by Tepic, Guadalajara, and Querétaro. The road from Mazatlan northward by Durango is impassable for wheeled vehicles. That from Guaymas might be traveled, though the scarcity of water would present an almost insuperable difficulty to an army. By Guaymas, admitting its practicability, you would reach El Paso, but from that point to the settlements of Texas—say San Antonio—you would meet with very great difficulties with a large command, and an insignificant force could easily cut off your supplies .... I see no way, if Texas is to be attacked from this side, except that of passing through the most thickly settled parts of Mexico .... My knowledge of the country enables me to assert with confidence that a large force—say 5,000 men—can-

not march from here by the Gila to Texas and keep up its supplies, nor by Guaymas and El Paso, nor by Mazatlan and Durango. . . .[17]

Meanwhile there had been several almost-simultaneous leaks of information about the expedition. In Mexico City, "Colonel" John T. Pickett, unofficial Confederate commissioner, expressed to the Mexican minister of foreign affairs his "deep regret" at the granting of permission for passage of U. S. troops, calling it "certainly violative of . . . strict and perfect neutrality."[18] Pickett vehemently assured the minister that the new and independent South had no territorial aspirations, but privately he predicted that the South would seize the state of Tamaulipas within sixty days if the objectionable decree were not rescinded.[19] There can be little doubt that the Mexican authorities were fully aware of all of Pickett's ideas and activities.

In California rumors regarding the expedition were bruited in the streets within a few days after the governor received the request for troops. For a variety of reasons there was a feeling of alarm. On August twenty-eighth a large number of business and professional men of San Francisco sent a strong letter of protest to the secretary of war, informing him that the Knights of the Golden Circle were strong in California and were actively plotting against the Union. This made it dangerous to send large numbers of troops out of the state.[20]

For another reason Brig.-Gen. William C. Kibbe, adjutant-general of the California militia, also wrote a lengthy letter to the secretary of war. Kibbe protested bitterly against the appointment of Brig-Gen. J. W. Denver as second in command of the expedition. Denver was a Democrat, who had been one of the territorial governors of Kansas and in whose honor a new city, then rising at the foot of the Rocky Mountains, had been named. The adjutant-general was positive, and offered what he believed to be conclusive evidence, that Denver was a secessionist at heart whose appointment to the expedition was an insult to every loyal Union man in California; furthermore, recruiting had fallen off sharply as soon as it became known that he was to go with the expedition.[21]

In spite of the barriers imposed by deserts and mountains, rumors of the expedition found their way into the Confederacy. In late October 1861, Lt. Col. John R. Baylor, commanding a force of Texas cavalry, informed his superiors of a report that "General Sumner is on the way from Guaymas with 2000 regular troops. . . ."[22] And a few days later (Nov. 6), a George L. Macmanus wrote from Chihuahua to the Confederate commander at Fort Davis, Texas, "There is a rumor in town, said by persons that pretend to know to be official, that 7,000 Federal troops had landed at Guaymas from California, destined to operate against Texas."[23]

One is tempted to speculate as to whether or not these rumors were deliberately circulated by Union sympathizers and agents. The "war of nerves" is not a new phenomenon in warfare.

However, long before these rumors reached Baylor's ears the project for an invasion of Texas via the west coast of Mexico had passed into oblivion, as suddenly and as mysteriously as it had emerged. On September ninth, before his letters in reply to his orders could have reached Washington, General Sumner received a telegram which informed him, "Lieutenant General Scott, with the assent of the Secretary of War, directs that you suspend preparations for the expedition against Western Texas, via Mazatlan."[24]

A few days later Sen. Milton S. Latham mailed a personal note to Sumner from Washington: "The expedition to Texas is suspended for the present, at least. It will be renewed in due time, but for the present it is discontinued.... I will tell you, when we meet, who it was that secretly got the expedition ... countermanded."[25]

What Latham may have told Sumner later is unknown. The expedition to Texas via Mexico was never renewed, and quietly died. Sumner was shortly after transferred to the army of the Potomac, where he distinguished himself as a corps commander. The California volunteers, raised for the expedition, within a few months were scattered over the far west from the Pacific to the eastern borders of Kansas. Few of them ever fought Confederates, but their casualty lists from battles with a score of Indian tribes mounted to a conspicuous total. They established posts and built roads and trails—duties which few of them visualized in the summer of 1861.

It is, of course, pure conjecture what the outcome would have been had a force of Californians attempted to strike the Confederacy across Texas. It is not conjecture, however, to say that the odds against success and in favor of disaster were impressive. The mysterious individual who secretly got the order countermanded deserved fully the gratitude of the Union.

NOTES

1. *Official Records of the Union and Confederate Armies in the War of the Rebellion* [hereafter cited as O. R.] (Washington, D. C., 1897), ser. 1, L, pt. 1, p. 569.

Brig.-Gen. Edwin Vose Sumner, at that time the commanding general of the Pacific with headquarters at San Francisco, was a native of Massachusetts and had served with distinction in the Mexican War, in which he was wounded, and in several Indian wars. In April 1861 he had summarily relieved Brig.-Gen. Albert Sidney Johnston (whose loyalty was doubted) from the command of the Pacific department. Sumner commanded a corps in the army of the Potomac. He died suddenly in 1863 while en route to a new command in the Mississippi Valley. *(DAB)*

2. *O. R.*, ser. 1, L, pt. 1, p. 572.

3. *Ibid.*, pp. 573-74.

4. *Sen. Ex. Docs.*, no. 17, 39th Cong., 1st sess., I.

5. *Ibid.*

6. Herbert I. Priestley, *The Mexican Nation, A History* (New York, 1924), pp. 336-37.

7. *House Ex. Docs.*, 39th Cong., 1st sess., I, pt. 1, pp. 15-17.

8. *Ibid.*, pp. 21-22.

9. *Ibid.*

10. *Ibid.* Thomas Corwin, U. S. minister to Mexico during the Civil War, had served several terms as a representative from Ohio; he was in the senate at the time of the Mexican War (which he bitterly opposed), and was President Fillmore's secretary of the treasury. Disagreeing with the stand of the Democratic party on the slavery issue, he joined the Republican party in 1858, although he never concurred fully with many of the details of its policy. He died on Dec. 18, 1865. *(DAB)*

11. *House Ex. Docs.*, *ibid.*, p. 19.

12. *O. R.*, *ibid.*

13. *Ibid.*, pp. 593-94. 14. *Ibid.* 15. *Ibid.*, p. 596.

16. Edward Fitzgerald Beale (grandson of Commodore Thomas Truxtun) was born in Washington, D. C., on Feb. 4, 1822. Entering the navy in 1842, he was with the landing forces in California during the Mexican War, and, as a bearer of despatches, made six transcontinental journeys in two years. He resigned from the navy in 1850, settled in California, and conducted extensive surveys and explorations for possible road and rail routes in the southwest and in northern Mexico. He died in California in 1893. *(DAB)*

17. *O. R.*, *ibid.*, p. 605.

18. Mary Wilhelmine Williams, ed., "Letter from Colonel John T. Pickett, of the Southern Confederacy, to Señor Don Manuel de Zamacona, Minister of Foreign Affairs, Mexico," *Hispanic-American Hist. Rev.*, II (Nov. 1919), 611-17.

19. *House Ex. Docs.*, 37th Cong., 2d sess., VIII, 20-21.
20. *O. R.*, *ibid.*, pp. 589-91.
21. *Ibid.*, pp. 607-609.
22. *Ibid.*, ser. 1, IV, 127.
23. *Ibid.*, p. 132.
24. *Ibid.*, ser. 1, L, pt. 1, p. 613.
25. *Ibid.*, p. 624.

California National Guard and the Mexican Border, 1914-16

By JAMES J. HUDSON

IN THE SPRING of 1914, property owners in Imperial Valley, California, sent letters and telegrams to Gov. Hiram Johnson's office requesting that contingents of the California National Guard be sent to the Mexican border where, for several weeks, there had been spasmodic raids by bands from Lower California. The Imperial Valley communities were further alarmed by a report that the Mexicans were about to cut the portion of the American irrigation canal which ran through Mexican territory.[1]

All of this was part of a much larger picture,[2] involving the relations between Mexico and the United States which had become strained after the abdication of Porfirio Diaz, Mexican dictator-president, in 1911. Strained relations within Mexico herself characterized the same years, but all factions were opposed to the Diaz policy of close cooperation with America. "Yankeephobia" had its heyday during this period, with Mexican writers castigating the United States for her exploitation of Mexican oil and mineral resources.[3] Soon after the assassination of Francisco Madero by the Huerta group in 1913, and the latter's rise to power, President Woodrow Wilson decided to take a hand in stabilizing the Mexican government. His policy of non-recognition and "watchful waiting" proved exasperating to Huerta's administration. Indeed, Wilson's reversal of the traditional American policy of recognition of de facto governments, plus his efforts to win the great European powers over to his views, virtually doomed Huerta. On their part, American property-holders along the border were disgusted with "watchful waiting" and were angry that little had been done to punish Mexico for allowing her citizens to commit depredations on American soil. Finally on April 9, 1914, came the attack on Americans at the Mexican oil-center port of Tampico. When the Huerta government's apologies seemed insufficient, Wilson, on April twentieth, asked congress for authority to intervene by force of arms in Mexico. The next day American forces bombarded and captured Vera Cruz. Diplomatic relations were completely severed and war seemed imminent.

Since 1911, Mexican army posts along the border had been reinforced on several occasions. American regular troops were scattered from San Diego, California, to Brownsville, Texas, but were too few in numbers to provide adequate protection to all parts of the line; and early in 1914 a brigade was transferred to El Paso, Texas, one of the centers of trouble for the moment, thus leaving southern California protected only by the garrison at Fort Rosecrans in San Diego County.[4] With the movement of regulars to El Paso had come an increase in depredations along the California border. San Diegans were alarmed over the supposed reinforcement of Mexican forces based just across the border at Tiajuana, and their voices were added to those of El Centro and the Imperial Valley in requesting state protection.[5] Though there was little evidence that the raids were officially sponsored by the Mexican government or were carried out by Mexican troops, Governor Johnson could not afford to ignore the cry of several thousand voters in an election year. Accordingly, on April twenty-third, just two days after the shelling of Vera Cruz, the Los Angeles battalion[6] of the 7th California infantry under Col. W. G. Schreiber received telegraphic orders to proceed to the border town of Calexico, California, "to protect life and property." By 8:30 A. M. the following day, the battalion, some 221 strong, had established camp one-half mile north of Calexico.[7]

At the same time, relief was furnished the population of San Diego. The 5th and 8th companies, coast artillery corps, California National Guard, and the 3d division of California naval militia,[8] all based in San Diego, were ordered to active duty. These organizations were formed into a provisional brigade and placed under the command of Maj. Herbert R. Fay of the coast artillery corps.[9] As the San Diego water system seemed to be most vulnerable to sabotage, the above-mentioned units took up positions at the various reservoirs and water conduits.[10] Disposition of troops was as follows: Maj. Herbert R. Fay and staff to Coronado Wye;[11] Capt. R. J. Hay and medical staff to Coronado Wye; Lt. D. M. Stewart and 3d division, California Naval Militia, to Highlands Reservoir (near Palm City), with the exception of one detachment under Boatswain-Mate Watson to Cuyamaca Water Company; Capt. S. E. Clyne and one platoon, 5th Co., to Otay Lake; Capt. J. C. Bush and one platoon, 8th Co., to Morena Dam; 1st Lt. W. W. Rhein and one platoon, 5th Co., to Sweetwater Dam; 1st Lt. James Muerhead and one platoon, 8th Co., to junction of San Diego and Coronado pipe lines.[12]

National guardsmen found the duty interesting almost from the beginning. On April twenty-fourth, two tons of dynamite were removed from a stone quarry near Sweetwater Reservoir, and the ten Mexicans employed by the company were discharged when it was rumored that an attempt was to be made to blow up the dam.[13] The next day, Major Fay was asked to confer with Capt. C. M. Condon, commanding officer of U. S. regulars in the San Ysidro area, concerning the poisoning of the San Diego water supply. A large amount of cyanide of potassium had disappeared and was assumed to be in the hands of Mexican guerrilas. As a result of the conference, Fay increased the guard around the vital reservoirs.[14]

On April 26, 1914, the guard detachment at Camp Otay noticed a small band of men "acting in a suspicious manner in traversing the Otay Mesa." These men were moving in a "northerly direction from the Mexican line" and gave every indication of wishing to remain unobserved. Fay's headquarters were notified and small units of state troops dispatched to intercept the party. As a result of this maneuver, three badly-frightened Chinese, making illegal entry into the United States, were captured and turned over to immigration officials in San Diego.[15] The whole affair proved a disappointment to the eager young soldiers who hoped to apprehend Mexican guerrilas.

Still more excitement was to come to the San Diego contingent the same afternoon. National guard headquarters received a telephone message from the regular army commander stating that he had information that Mexico was making an attempt to smuggle rifles across the border to Mexican volunteers in the United States. The national guard forces were requested to cooperate with the regulars in guarding all roads and trails leading into Mexico from the San Diego-Yuma post road. Orders to that effect were issued to the commanding officers of the various camps, and, by nightfall, every road and trail from Palm City to Campo was covered by national guard troops. As the night passed without event, the detachments were returned next morning to their respective camps.[16] This routine was repeated each day for the next several days.[17]

On the last day of April, some sixty Mexican internees escaped from the Point Loma, California, refugee camp where they were being held by U. S. regular troops under Capt. Frederick W. Benteen. The internees were made up primarily of Mexican federalist army troops, who had fled across the border to American soil during their civil war with the Villa-led constitutionalist troops. Under the rules of warfare, the United States had been obligated to intern these soldiers. They had been disarmed and allowed to filter back into Mexico; but the numbers seeking temporary sanctuary in the United States increased to such an extent that the army was forced to set up internment camps to handle them.[18] It was from one of these prison camps that the sixty, mentioned above, had tunneled their way to freedom. The San Diego detachments of state troops were asked to aid in the recapture of these escapees. Small units, usually of squad strength, were sent out from each of the national guard camps to patrol the possible avenues of escape into Mexico. By the end of the first day no less than fourteen of the prisoners had been retaken, the California troops making capture of six.[19] Startling success marked the efforts of the guard troops during the next two days. By nightfall of May second, all except six of the prisoners had been caught, with the amateur soldiers bagging over forty.[20]

In a move to facilitate communications between the San Diego units, a radio station was established on top of Red Butte, a small mountain just east of the city, and connected with Fay's 1st provisional-brigade headquarters at Camp Otay by field telephone. This appears to have been the first occasion on which radio was used by the California National Guard while in active service, and it proved of inestimable value during the ensuing days. The forces could now be spread more thinly, as they could be assembled without delay into larger units in case of necessity.[21] Inspection tours were made by generals Wankowski and Forbes, and, on May eighth, 1st provisional-brigade headquarters were moved to Malta Square in Chula Vista (ten miles south of San Diego), whence routine patrols went out daily.[22] Comparative peace and quiet prevailed for the next few days and the need for the guard seemed at an end.

Finally on May eleventh, after some eighteen days on active duty, the coast artillery and naval militia units around San Diego were withdrawn.[23] The 7th California infantry units, which had been stationed at Calexico, had been relieved three days earlier, as their sector proved to be calm from the beginning.[24]

The international picture, too, was somewhat alleviated by May 1, 1914. The "A B C powers" (Argentina, Brazil, and Chile) officially offered their good offices to effect, if possible, a settlement of difficulties between the United States and Mexico. Both Wilson and Huerta accepted. Representatives of the "A B C powers" met with delegates of the United States and Mexico at Niagara Falls, Canada. Little was accomplished at this meeting, but the situation was further relieved in July 1914, when Huerta, bowing to President Wilson's pressure, went into voluntary exile. He was succeeded by Venustiano Carranza, whom Wilson had reluctantly supported. However, the peace was short-lived.

Francisco Villa, a picturesque bandit leader and rival of Carranza, rebelled against the new government. He believed that he was the logical candidate for the Mexican presidency and was bitterly vindictive toward the United States for supporting his opponent.[25] In January 1916, eighteen Americans were killed at Santa Ysabel. Two months later, American blood was shed on American soil. After the moon had set on the night of March 8, 1916, a band of Villa's troops, estimated at between 500 and 1000, raided the little border-town of Columbus, New Mexico. In the fight seven American soldiers were killed and seven more were wounded. In addition, eight civilians were killed and two were injured. No less than seventy-eight Mexican Villistas were slain with many more wounded.[26] American protests rose to a crescendo.

Two days after the Columbus foray, Brig. Gen. John J. Pershing was directed to lead an expeditionary force into Mexico for the purpose of catching and punishing Villa. With the half-hearted approval of the Carranza regime, the Pershing punitive expedition crossed the international border on March fifteenth, and took up the chase.[27] Several of Villa's lieutenants were taken as Pershing pushed deeper into Mexico, but the wily Mexican avoided capture.[28] The practice it afforded the army may have been worth the cost of the expedition, but the continued violation of Mexican soil antagonized Carranza and aroused the suspicion of South Americans.[29]

With the American forces on the border depleted by the absence of Pershing's units, new depredations were visited on American citizens along the border. Four Americans lost their lives in a Mexican attack on Glen Springs, Texas, on May 5, 1916.[30] Ten days later a small force of the 14th U. S. cavalry was assaulted at San Ignacio, Texas, and four troopers were fatally wounded.[31] Something had to be done.

Anticipating further aggression upon the territory of the United States, President Wilson on May 9, 1916, called into federal service the national guard organizations of Arizona, New Mexico, and Texas, who were directed to proceed to Douglas, Columbus, and San Antonio, respectively.[32] Even thus strengthened, the forces along the border were inadequate to patrol the long and difficult line between the United

States and Mexico. Consequently, to further insure lives and property, Wilson on June 18, 1916, ordered to active duty a large part of the organized militia and national guard of the other states. The California National Guard was included in this call.[33]

Approximately 135,000 officers and enlisted men were rapidly mobilized in their respective state mobilization-camps. There they were subjected to a rigid physical examination conforming to that given the regular army. They were inspected, mustered, and equipped under the direct supervision of officers of the U. S. army, who had been detailed for that duty. As soon as possible, these amateur soldiers were transferred to large training camps in the southern department and stationed in close proximity to troops of the regular army, some 40,000 of whom had been occupying the Rio Grande district for over a year.[34]

In compliance with the president's call, Governor Johnson directed the officers and men of the California National Guard to assemble at their armories immediately. Within a matter of twelve hours after the receipt of the governor's orders, all unit commanders in the state reported their organizations ready to entrain.[35]

Meanwhile, the preparation of the state mobilization camp at Sacramento was being rushed. Under the direction of officers from the state staff, the state fair grounds were quickly transformed into a military camp. Sewer pipes and water mains were laid. Water was piped over the entire inner field of the race track and shower baths were installed. Work on the camp was completed on June twenty-second, only a few hours before the first contingent of troops arrived.[36]

Entrainment of approximately 4600 guardsmen and the moving of them from all parts of California to the mobilization camp was accomplished without a hitch. Hardly a troop train was behind schedule.[37]

At the mobilization camp, the national guard high command began to run into difficulty. The national defense act of 1916 had become the military law of the land only two weeks previously, and few, if any, national guard organizations had made a move to comply with its provisions. Among other things, the act provided for greater federalization of the national guard through a dual oath of allegiance to the United States and to the state. In general, the purpose of this oath was: (1) to establish a uniform period of enlistment; (2) to invalidate discharges granted by state authorities not in conformity with the regulations of the federal government; (3) to make unnecessary a new oath of allegiance upon muster into federal service.[38] In addition, standards for national guard officers were raised and higher tactical units were prescribed.[39] To have implemented the new law concurrently with the mobilization for border duty would have taken too much time. Therefore, on June 23, 1916, the adjutants-general of the various states were instructed to disregard the provisions of the national defense act for the time being and transfer each unit to the border as it became reasonably equipped for field service.[40]

With the military policy thus simplified, national guard officers proceeded with the task of readying their troops for border service. Rigid physical examinations, similar to those prescribed for the regular army, were given the guardsmen. At the same time officers wrestled with the problem of bringing the guard units up to regular army standards in uniforms, arms, and equipment. Theoretically, national guard troops were already operating at those standards, but this proved far from true in many states.

That the California National Guard was able to proceed to the border reasonably well armed and accoutered was largely due to the energy and sagacity of Adj.-Gen. Charles W. Thomas. Educated at Stanford and Harvard, General Thomas was particularly well fitted for the state's highest military office. He had been commissioned a second lieutenant in the Woodlands militia company in 1900 and had advanced rapidly in the national guard hierarchy until appointed adjutant-general on August 20, 1915. In his climb to the top he had gained valuable experience on every level – company, battalion, regiment, and brigade – and had recognized early the importance of good relations with the regular army. Consequently, when the call to active service came, he was able to cut governmental red-tape and secure much in the way of arms and equipment directly from the regular army establishments at the presidio in San Francisco.

Movement of the California troops to the southern border began on July 1, 1916, under a strict cloak of censorship. First to leave the Sacramento mobilization camp were soldiers of the 2d California infantry and of the 1st battalion, field artillery. Two days and 1171 miles later these units disembarked in the hot and dusty border-town of Nogales, Arizona. In rapid succession the other organizations followed. The 5th infantry departed on July third and arrived in Nogales on July fifth. The 7th infantry reached the Arizona town on July sixth, after an uncomfortable three-day train ride. Brigade headquarters and other miscellaneous troops broke camp at Sacramento on July fourth and detrained at the border on the afternoon of July sixth.[41] The entire operation of mobilizing, mustering, and transporting the California National Guard to defensive positions had been accomplished in a little over a fortnight. Had the state troops been fully trained, equipped, and ready for action this would have been a notable achievement.[42] As it was, the guard would have been hard pressed to contain an aggressive attack, while an invasion of Mexico would have been out of the question. Oppressive heat and desert terrain would have decimated their ranks before they had marched a hundred miles.

In many states the national guard or organized militia was in a deplorable condition. Average regimental strength stood at 820 men compared to the proposed war-strength of 1900 men. Effective power of the state organizations was further cut by physical examination rejections and dependency exemptions. Maj.-Gen. Hugh Scott, army chief of staff, estimated that twenty-five per cent were physically disqualified, eight per cent failed to respond to the call of active duty, and seventeen per cent were excused because of dependents.[43] California organizations fared somewhat better than the nation as a whole. Each of the infantry regiments was made up of approximately 1050 officers and men, well above the nation's average;[44] 4487 of the 4600 troops transported to the Sacramento mobilization camp were accepted and sent to the border.[45] Yet, even California was far from its minimum war quota of 6954 officers and men.[46] In other words, California's effective strength was less than sixty-five per cent of the war minimum.

On arrival at the Mexican line, California troops were assigned to the 16th national guard division, a paper division,[47] and established Camp Stephen Little, one mile north of Nogales. Then began a period of time during which the soldiers were to learn and appreciate the real meaning of the phrase "watchful waiting."

Duty on the border proved to be of the most exasperating kind which a soldier can be called upon to perform. Secretary of War Newton D. Baker summed up the reasons for this in concise terms when he pointed out:

> The movement and enthusiasm of active military operations supplies a spirit of its own, but the soldier who is required to wait inactive finds it difficult to reconcile himself to the privations of camp life and to the separation from home, friends, and normal occupation required of him, and yet this most trying of services is just what has been required . . . of the National Guard on the border.[48]

From reveille until noon, the guardsman's day was occupied with drill and military inspections. In the afternoon, "details," "police," and "regulations" became the most important words in his vocabulary. At night, guard duty along the international boundary line was in order. Add to this depressing routine the uninspiring food, the heat and dust of southern Arizona during the summer months, and it is easy to visualize the lack of enthusiasm on the part of the state troops.[49]

The average national guard enlisted-man was unable to appreciate or understand Wilson's over-all policy. "We came down here to fight; not to sit around in camp," was heard in every national guard camp from Brownsville to Nogales.[50] When it became obvious that the military did not intend to invade Mexico, a small, but vociferous, minority of the guardsmen set up a clamor demanding that they be relieved from active duty and sent home. Families of the men besieged civil and military officials with letters and telegrams.[51] As a result of this campaign, a number of guardsmen were relieved from active duty and sent home toward the end of July. Those relieved were, for the most part, men with dependent families.[52] A surprisingly large number, however, were discharged because of disabilities. No fewer than 626 California guardsmen were to be found in the latter category, with disabilities ranging from defective vision and flat feet to acute gonorrhea.[53] This high number is difficult to understand, as the physical examination taken at the Sacramento mobilization camp only a month before professed to have conformed to army standards. Surely such disabilities as flat feet and acute tuberculosis would have been apparent at that time. Either the guard officials were trying for a good mobilization record at the time of the first physical examination, or the examining officers at Nogales were sympathetic to the guardsmen's desire to return home and thereby "doctored" the records. The first possibility seems the more logical since the entire national guard program was under fire at the time.[54]

Steps had to be taken to prevent the complete stripping of border units of their manpower. To remove further need for dependency discharges, congress voted $2,000,000 to be used to alleviate the suffering of the families of the national guardsmen.[55] At the same time, the regular army recruiting-service began recruiting for the national guard units in federal service.[56]

In August the national guard found it necessary to set up schools to train privates to take over positions left vacant by the discharge of noncommissioned officers.[57] This became necessary when it was found that a majority of those discharged for dependency reasons were to be found in the non-commissioned officer category. An army without its corporals and sergeants is in a sad condition, whatever might be the opinion of the privates.

For a moment on August fourth, it seemed possible that the California National Guard troops would get their long-awaited chance for action. Shortly after 1:00 A.M. Sentry Claude Howard of the 12th U. S. infantry was shot by a sniper hidden on the Mexican side of the Santa Cruz River. Ten members of Co. C, 5th California infantry, on patrol duty in the vicinity returned the sniper's fire. The fusillade aroused soldiers from both sides of the river, and, when a large body of Mexican soldiers were observed approaching the international bridge from the Mexican side, a battle seemed imminent. American reinforcements were rushed to the scene, but there was no further demonstration by the Mexicans. In keeping with Wilson's policy, orders were issued by the U. S. commander demanding utmost restraint on the part of the Americans. A formal request was made to General Calles, Mexican commandant of the state of Sonora, for full explanation of the shooting.[58]

August passed without further incident, and rumors that the guard was being sent home began to circulate. Newspapers were largely responsible for the perplexity of the state troops as to when their term of service would end. Headlines reading "Guardsmen Will Return To Their Homes Soon" were followed by vague and unedifying columns of incoherence. Wild rumors fixing the date for departure would sweep the camp, and when the heralded date passed uneventfully a new date would be set. Finally the troops became so disgusted that the mere mentioning of "return home" was taboo and "rumor mongers" were severely dealt with.[59]

Much to the relief of the troops, September brought cooler weather to southern Arizona. The days were still warm but the nights cold. Now the hue and cry went up for extra blankets and sweaters. Requisitions were made, and after the usual delay of several weeks the quartermaster corps forwarded an extra blanket for each man. Sweaters proved harder to get, only about one-half of the guardsmen being able to secure them. The nights presented a real problem. One national guardsman described it thus:

> Instead of retiring scantily clad in regulation underwear and wrapped in a blanket, the Guardsman now removed leggins and shoes only, donned a sweater (if he were the lucky possessor of one), put on several extra pairs of socks, wrapped himself in two blankets, with poncho and overcoat on top, and even then slept with some discomfort.[60]

The movement of 150,000 national guardsmen to the border had had a quieting effect on Mexico. Wilson had in Bismarckian fashion used the army as an arm of diplomacy. Regardless of the efficiency or otherwise of the force, its numbers served to overawe the Mexican jingoist who had clamored for war with the United States. By the end of August it was apparent that all the national guard would not be needed.

On September first, orders were issued directing the return of several regiments of state troops to their home station. The 5th California infantry was one of those returned.[61] In compliance with these orders, fifty officers and 651 enlisted men of the regiment left Nogales on September first for the state mobilization camp at Sacramento. One officer and thirty-five men, a supply company, were left at Nogales to care for the horses and other regimental property. Two days later this supply company departed for Sacramento with the horses, mules, and wagons.[62] On arriving at Sacramento on September fourth, the 5th infantry went into camp, where routine duties were performed until the regiment was mustered out of federal service on October 7, 1916.[63]

Other California organizations remained on the border and spent the next several weeks in intensive training maneuvers. On September 9, 1916, the 1st California brigade was ordered by the commanding general of the Nogales district "to proceed by marching" to Fort Huachuca, Arizona, for target and field practice. The fifty-mile march was accomplished between September tenth and September fifteenth, with heavy packs, loose sand, and choking dust during the day, plus cold nights and pup tents.[64] Camp was finally established four miles beyond Fort Huachuca at Garden Canyon where the brigade remained until October seventh. Rifle practice and unit maneuvers became the order of the day during this three-weeks period. The rigorous routine was broken on October seventh, when the California brigade was ordered back to Nogales. Somewhat hardened by their recent experiences, the troops were able this time to negotiate the distance in three days — two days less than the outgoing march had taken.[65]

Orders were issued on October 18, 1916, directing the 1st brigade headquarters, the 7th infantry regiment, Co. B of the signal corps, and the 1st squadron cavalry to move to mobilization camp in Los Angeles, to muster out of federal service. The directive was carried out with dispatch, with the brigade headquarters and the 7th infantry entraining at Nogales on October eighteenth and establishing camp at Exposition Park in Los Angeles on October twentieth. Other units followed in rapid order with Co. B, signal corps, arriving in Los Angeles on October twenty-first, the 2d infantry regiment on October twenty-fifth, and the 1st squadron of cavalry on the twenty-eighth. The mustering out of these units and other miscellaneous troops extended over the next five months.[66]

It is difficult to determine accurately the real accomplishments of the national guard while on the border. The guard was not called upon to engage the enemy, with a few minor exceptions, and consequently many observers remember only the debacle of mobilization and the unpreparedness of the state forces. However, it seems likely that the mere presence on the border of 150,000 state troops discouraged further depredations on American soil by Mexicans. Maj.-Gen. William A. Mann, chief of the militia bureau, states flatly "that they [the national guard] had rendered more valuable service to their country by preventing war than by making it."[67] As to personnel, misfits were eliminated, good men dressed into shape and made accustomed to the larger part they were to play in World War I, for which the Mexican border served as training ground.[68] Summed up by Brig.-Gen. Henry J. Reily:

> Without the Mexican Border Service it is extremely doubtful if General Pershing would have had the 300,000 with which he intervened in the Second Battle of the Marne; the 500,000 with which he smashed the Saint Mihiel salient and prepared the way for Foch's intended November 14, attack to open the Moselle Valley route into Germany and the 1,200,000 used in the Argonne to first push back, then break the pivot of the German line in France.[69]

NOTES

1. Calif. Adj.-Gen.'s Office, *An. Rept.* [hereafter cited as *AGO Rept.*], 1914-20 (Sacramento, 1920), p. 46.

2. J. Fred Rippy, *The United States and Mexico* (New York, 1926), pp. 344-60.

3. J. Fred Rippy, "Literary Yankeephobia in Hispanic America," *Journ. Internat. Rels.*, XII (Jan. and Apr. 1921), 350 ff, 524 ff.

4. U. S. War Dept., *An. Rept.* [hereafter cited as *USWD Rept.*], 1914 (Washington, D. C., 1914), I, 135-36.

5. *AGO Rept.*, 1914-20, pp. 13-14.

6. According to Field Return, 7th infantry detachment, Apr. 30, 1914, this force was composed of the following:

Co. A	Los Angeles	Capt. Warren J. Holder
Co. B	“ “	Capt. Edwin M. Mettler
Co. C	“ “	Capt. James Irwin
Co. F	“ “	Capt. Frank McReynolds
Detach. Hosp. Corps	“ “	1st Lt. Samuel M. Alter
HQ Detach.	“ “	Col. W. G. Schribers [Schreiber]

7. Field Return (note 6 above), Apr. 24, 1914. Unless stated otherwise, all reports, field returns, orders, letters and telegrams here cited are in the adj.-gen's files, Sacramento.

8. The Calif. naval militia was under the adj.-gen. at this time.

9. Gen. Order No. 1; also in Monthly Return, 3d div., Calif. naval militia, Apr. 1914.

10. Letter, Maj. Herbert R. Fay to Adj.-Gen. Edwin A. Forbes, Apr. 25, 1914.

11. Later moved to Camp Otay.

12. Field Order No. 1, provisional brigade, Apr. 23, 1914.

13. Letter, Fay to Forbes, Apr. 25, 1914.

14. Same to same, Apr. 26, 1914.

15. Same to same, Apr. 27, 1914.

16. *Ibid.*

17. Same to same, Apr. 29, 1914.

18. Capt. George H. Estes, "The Internment of Mexican Troops in 1914," *Infantry Journ.*, XI (May-June 1915), 747-69.

19. Letters, Fay to Forbes, Apr. 30, 1914.

20. Same to same, May 2, 1914. In this report to the adj.-gen., Major Fay mentions only twenty-eight captives, but "about fifty" is given as the correct figure in *AGO Report.*, 1910-14, p. 47.

21. Letter, Fay to Forbes, May 4, 1914.

22. Same to same, May 8, 1914.

23. Same to same, May 11, 1914.

24. Field Order, 7th infantry detachment, May 8, 1914.

25. Rippy (note 2 above), p. 345.

26. *USWD Rept.*, 1916, I, 186-87.

27. *Ibid.*, pp. 187-88.

28. Frank Tompkins, *Chasing Villa* (Harrisburg, Pa., 1934), *passim.*

29. Samuel Eliot Morison and Henry Steele Commager, *The Growth of the American Republic* (New York, 1950), p. 443.

30. *USWD Rept.*, 1916, I, 188.

31. *Ibid.*

32. *USWD* Rept., 1916, I, 280; see also *Sen. Doc. 695*, 64th Cong., 2d sess., 1917, pp. 1-60. A concurrent resolution of the Calif. legislature, adopted May 17, 1861,

reads as follows: "California is ready ... at all times to respond to any requisition that may be made upon her to defend the republic against foreign or domestic foe." *(Calif. Stats.*, 1861, p. 686). Only twice prior to 1914 (viz., in 1861 and 1898) were California troops required to serve as defenders of the nation's borders.

33. *USWD Rept.*, 1916, I, 281.

34. *Ibid.*, pp. 193, 1132-33.

35. *AGO Rept.*, 1914-20, p. 13.

36. *Ibid.*

37. *Ibid.*

38. *USWD Rept.*, 1916, I, 944.

39. *U. S. Stats.*, XXXIX (1916), 197-202.

40. *USWD Rept.*, 1916, I, 12-14.

41. *Ibid.*, p. 433.

42. "The Mobilization of the National Guard," *Infantry Journ.*, XIII (July-Oct. 1916), 76-79.

43. *Universal Military Training Hearings*, on U. S. sen. bill 1695, 64th Cong., 2d sess. (1917), pp. 120-23.

44. *AGO Rept.*, 1914-20, pp. 14-19.

45. *USWD Rept.*, 1916, I, 433.

46. *Ibid.*, p. 1132.

47. "The National Guard of California" (manuscript, adj.-gen.'s office, Sacramento), VIII, 53; the seventeen volumes in this collection were compiled in 1940, with the assistance of the Works Project Administration, from records in the adj.-gen.'s office, state archives, and state library.

48. *USWD Rept.*, 1916, I, 15.

49. Roger Batchelder, *Watching and Waiting on the Border* (Boston, 1917), pp. 68-80.

50. *USWD Rept.*, 1917, I, 854.

51. George Marvin, "The Folks They Left Behind Them," *Worlds Work*, XXXII (Oct. 1916), 690-95; contains excerpts from letters sent to President Wilson, the secy.-of-war, etc.

52. *USWD Rept.*, 1916, I, 14.

53. Letters, Gen. Robert Wankowski to commanding officer, 1st Calif. brigade, July 29, 1916; see also telegram, Wankowski to Adj.-Gen. Thomas, July 28, 1916.

54. "Mobilizing the National Guard—a Lesson on Preparedness," *Current Opinion*, LXI (Aug. 1916), 75-77; one of many articles castigating inefficiency of the process. Shortly before, Secy.-of-War L. M. Garrison had proposed a continental army, with elimination of the national guard. Upon failure of Wilson to support his plan, Garrison resigned from the cabinet.

55. *USWD Rept.*, 1916, I, 14.

56. Tompkins (note 28 above), p. 228. By Oct. 1916, over 15,000 had been recruited.

57. Field Return, 1st Calif. brigade, Aug. 1916.

58. *Ibid.*

59. Batchelder (note 49 above), pp. 115-16.

60. *Ibid.*

61. Leaving the border at about the same time were three regiments from New York, two from New Jersey, one from Maryland, two from Illinois, two from Missouri, one from Oregon, one from Washington (state), and one from Louisiana, making in all about 15,000 troops.

62. Field Return, 1st Calif. brigade, Sept. 3, 1916.

63. *AGO Rept.*, 1914-20, p. 18.

64. Field Return, 1st Calif. brigade, Sept. 1916.

65. *Ibid.*, Oct. 1916.

66. *AGO Rept.*, 1914-20, pp. 14-19.

67. *USWD Rept.*, 1917, I, 854. Had the state troops been returned to their homes before the general election of Nov. 4, 1916, it is possible that Charles Evans Hughes, and not Woodrow Wilson, would have won the presidency. "Mobilization for peace and not for war" was difficult to understand, and Wilson won California by less than 3000 votes. At least that many voters were basking in the Arizona sun or in mobilization camps, their absentee ballots uncast. Several other states were equally precarious.

68. *Ibid.*, p. 10.

69. Tompkins, *op. cit.*, p. 229.

News of the Society

NOTEWORTHY GIFT

In 1940, Mr. Templeton Crocker laid the foundation of the Society's library with the gift of his magnificent collection of Californiana. Throughout the following fifteen years, the library has evolved into one of the state's highly important collections of historical source-materials —printed, manuscript, and visual. This has been accomplished by very occasional purchases by the Society, and by the gift of individual items, each of value, or of great collections such as the Californiana portion of the library of the late Mr. C. O. G. Miller. It is with pleasure and deep appreciation that the board of directors now announce the gift to the Society of the collection of California manuscripts and other materials acquired through the years by Mr. and Mrs. K. K. Bechtel of San Francisco. Mr. and Mrs. Bechtel have made this presentation in part as a tribute to the service and devotion always given to the Society by Mrs. Rogers P. Parratt, who retired from the managing directorship on February 1, 1955.

Although the collection is not yet cataloged, and therefore is not entirely available for library use, pride of possession demands some general description of a gift of such magnitude.

The largest group of manuscripts, numbering approximately 1,500 items, 1841-1866, are the papers of the early California merchants, William D. M. and George H. Howard. Here most of the well-known California names of this period are represented, including Jacob P. Leese, Thomas O. Larkin, William A. Leidesdorff, Henry D. Fitch, William Heath Davis, and Joseph P. Thompson. Included are the records of the Howard ships, the *Vandalia* and the *California*. Incorporated with the Howard Papers are sizeable collections of the business and personal papers of Henry F. Teschemacher, 1832-63, and the business papers of William R. Warren, Honolulu, 1823-49.

Sharing top importance with the Howard Papers is the 1774 diary of Fernando Javier Rivera y Moncada, military commander of California at Monterey, 1773-77. Appended to the diary, kept by Rivera as his report to the Spanish viceroy, is a January 1, 1775, list of soldiers and servants in his district. This may be construed as the first known census of California.

The Bechtel gift brings to the Society the largest group of William A. Leidesdorff papers known to be in a private repository. They include the log of the *Julia Ann*, 1840-41, and his business accounts, 1843-48. William E. P. Hartnell, merchant, is represented by his ledger and daybook, Monterey, 1823-28, and by a manuscript algebra book. Two account books, 1842-45, and other papers, 1838-49, reflect the activities of William Heath Davis. A lengthy one-volume, personal journal, 1826-60, describes the newspaper and clerical life of its author, Ferdinand C. Ewer. Life at the Mission San Jose is shown in the 38 manuscripts written there, 1806-27, by the Spanish priest, Narciso Duran.

Other small, yet no less important collections of original materials illustrate the California careers of Joseph L. Folsom, San Francisco, 1851-55; William G. Dana, Santa Barbara, 1821-49; James L. L. F. Warren, Sacramento, 1849; Ambrose Bierce, San Francisco, 1892; Adolph Sutro, San Francisco, 1853-54; Lewis Adler, Sonoma, 1849-80; George Wallace, San Francisco, 1856-81; and Charles C. Turner, U.S.N., 1844-55.

Also included are rare maps; lettersheets; examples of early printing; three original watercolors by Bayard Taylor, 1853; a medal and other related materials describing the San Francisco committees of vigilance, 1851 and 1856; and numerous other individual, though smaller source groups. Among a number of printed works, all of some rarity, are found a Pony Express Bible; John Cassin's *Illustrations of the Birds of California* ... 1856; Edward Vischer's ... *Pictorial of California Landscape* ... 1870; and Alfred Wheeler's *Land Titles in San Francisco* ... 1852, which contains the map usually wanting from most collectors' copies.

The great importance of the Bechtel contribution lies in the extreme rarity attached to each item in it; in the unusually fine physical condition of the materials; in the lack of extraneous and problem-raising pieces so often found in large and less-carefully acquired collections; and in its remarkable quality of enlarging and supplementing the original sources already a part of the Society's library. Thus the entire fabric of this gift reflects the activities of the donors as careful and thoughtful collectors of Californiana and as constant friends of this Society.

James de T. Abajian

NEW MEMBERS

Name	Address	Proposed by
	Associate	
The Farmers and Merchants National Bank of Los Angeles	Los Angeles	George L. Harding
	Active	
Mrs. Earl Alexander	Anaheim	Continuing membership of late grandfather, Harry L. Simpson
Mrs. Geraldine Grace Benoist	San Francisco	Joseph R. Knowland
Walter Hart Blumenthal	Philadelphia, Pa.	Membership Committee
Mrs. Avis Yates Brownlee	San Francisco	Mrs. C. Jackson Zane
Lewis H. Butler	San Francisco	Mrs. Vincent K. Butler
Vincent K. Butler, Jr.	San Francisco	Mrs. Vincent K. Butler
Miss Elizabeth Anne Cereni	Stanford	Honor-award student, Stanford University
Mrs. William R. Childs	Piedmont	Ralph H. Cross
Mrs. Frederick George Crist	San Francisco	Ralph H. Cross
Charles de Bretteville	San Francisco	Mrs. Wellington S. Henderson
Lancaster Rigby Fontaine	San Francisco	Mrs. Dean Witter
Mrs. Lancaster Rigby Fontaine	San Francisco	Mrs. Dean Witter
Rex Beach Gunn	Menlo Park	Percy M. Pettigrew
Mrs. Dale Hollenbeck	Stockton	Arthur C. Devlin
William H. Howard	San Mateo	Milton D. Eisner
Philip Hudner	Hollister	Warren R. Howell
Holway Roy Jones	Berkeley	Honor-award student, University of California
Raymond E. Lewis	San Francisco	Warren R. Howell
Mrs. Edgar H. Lion	San Francisco	Joseph R. Knowland
Mrs. Letty Majors Maughmer	Albany	Hobart M. Lovett
Modesto Junior College	Modesto	Membership Committee
Mrs. William Newton	Berkeley	Charles L. Camp
Miss Georgina E. F. Norman	Montrose, Colo.	Honor-award student, Mills College
Mrs. Leo Opsahl	San Francisco	Mrs. Angus G. Boggs
Mrs. Helen Orlando	Palo Alto	Membership Committee
Mrs. Samuel Pond	San Francisco	Continuing membership of the late Mr. Pond
John F. Rickard	Berkeley	Membership Committee
Miss Mary L. Schofield	Palo Alto	Membership Committee
Mrs. Harry R. Schroeter	Oakland	Roger Chickering
Miss Mary S. Shafter	Berkeley	Ralph H. Cross
Homer R. Spence	Alameda	Robert McWilliams
Mrs. Frank Stockton	Bakersfield	Mrs. Robert C. Tipton
Mrs. E. H. van Patten	Seattle, Wash.	Membership Committee
Mrs. Burnet C. Wohlford	Escondido	Mrs. Vincent K. Butler
George Wolff, Jr.	Stockton	Aubrey Drury

Book of Remembrance

On view in the Society's library is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund for the purchase of books and manuscripts. As each item is purchased, it becomes a part of the library, and has affixed to it a bookplate, perpetuating the memory of the individual honored, and bearing, as well, the donor's name. Below are the names that have been inscribed since the commencement of the memorial, arranged by year of gift.

1945

William Cavalier

1947

Edna Rodden Martin
Albert Leslie Oliver

1948

Mrs. H. Spens Black
Edwin T. Blake
Helen Kinsell
William C. Latham
M. Hall McAllister
Ruby McCormick
F. J. Morin
Frank M. Ogden
Mrs. E. O. C. Ord
George A. Pope
Mrs. George A. Pope
Edward J. Sheppard
Mrs. Leslie Symmes
Louise E. Wormley

1949

Oscar Thomas Barber
Edward Washington Bender
Lilian Hoogs Blaisdell
Hope Bliss
Philip Read Bradley
Eldridge Ayer Burbank
John R. Burns
Rumsey Campbell
Randolph Clement
Abraham Lincoln Danziger
Edward B. Field
Morton R. Gibbons, M.D.
Abraham P. Hankes
Thomas Norman Harvey
Virginia Utz Jobe
Arthur C. Kennedy
George Dunlap Lyman, M.D.
La Verne Scott Moss
Whitney Palache
Robert J. Parker
Ann May Perry
Mabel Gray Potter
William C. Sharpsteen
John Joaquin Smith
L. Deming Tilton
Harry C. Warren, M.D.
Ray Lyman Wilbur, M.D.

1950

Harvey Wetmore Beard
Katharine Esther Bennitt
George Mackey Cornwall
William M. Gilliland
Eliza Jane Gilman
Olive Martha Gould
Emelyn West Knowland
Ethel A. Krook
Abbie Hyde Lewis
James L'Hommedieu
Helen Flint Lyman
William O'Hara Martin
Haig Patigian
Barbara Peters
Minna Dohrmann Pischel
Margaret James Porter
Frederick Ortman Shumate, M.D.
J. D. Sweeney
Dixon Wecter
Betty Loren Whitsell

1951

M. Marian Atkins
Julia Stamper Berman
Edith Ward Berwyn
Clarence Leo Best
Eleanor Smith Boone
Frances Des Marais Brogan
Ella M. Brooke
Glada V. Elden
Edward Lilburn Eyre
Estelle Lyon Fay
Lowell E. Hardy
Grant James Hunt
Emma T. Kessler
Eva M. Koch

Richard Henry McCarthy
Arthur S. Maloon
Emily Oliviera
May Hawley Patterson
Mrs. Baltzer Peterson
Julia D. Sammer
Louis F. Sinsheimer
Henrietta L. Stadtmuller
Herbert F. Suhr

1952

Mrs. Marcus P. Bennett
Jessie Vaughan Harrier
Margaret N. Hart
Flodden W. Heron
Elizabeth Thacher Kent
Douglas Stuart Loud
Jean Parker McEwen
Irving Martin
George Lovett Merwin
C. O. G. Miller
John J. Newbegin
Frank H. Norcross
Thomas Wayne Norris
Thomas L. Phillips
Ruth Loring Richardson
Warren Russell
Irving M. Scott, Jr.
Willard Brown Thorp
Gordon F. Williamson
Willis A. Zane
Gonzalo Zapata

1953

Frank H. Allen
Arthur John Bancroft
Francis Edward Bishop
Herbert Eugene Bolton
Charles Philip Boone
Marie Wilson Bradley
Paul W. Brannon
Arthur H. Breed
LeRoy H. Briggs, M.D.
Katherine Thayer Cate
Bessie Hobart Chapman
Frederick Herman Coon
Florence Osterero Cullen
Lilly E. Davis
Jerry W. DeCou
Alice Eastwood
Maude Wyman Eberts
Paul Eliel
George August Fuhrig
Robert B. Gaylord
Frank Carroll Giffen
Mary Glide Goethe
Irene L. Goudey
Mabel L. Holmes
Frederick B. Kellam
George E. Kennedy
William James Laing
Winifred M. Menzies
Helen Knox Merwin
Olga M. Meyer
Katharine Hutchinson Post
J. Sheldon Potter
Laura Carmany Rulofson
Gertrude Miller Simmons
Lynn Townsend White

1954

Joseph Emmanuel Anderson
Rae Griswold Behrens
Leonard W. Buck, M.D.
William W. Carruth
Isaac Flint Chapman
Lilian A. Cross
Helen Richardson Espy
Minnie Walker Engs
Charles Francis Griffin, M.D.
Frederick Harvey
Armand Leon Hering
Emily Coey Hittell
Mary Pardow Hooper
Caroline Lendelof Johnson
Gerald Driscoll Kennedy
Charles M. MacGregor
James H. McDonough
John Ward Mailliard, Jr.
Ruth Comfort Mitchell
Ruby Muther
Martha Lamberton Osmer
William G. Paden
Paul P. Pitchlynn
Ida M. Reed
Thomas M. Robinson, Jr.
William Henry Shine
Willard O. Wayman

1955

Isabelle Ball
Ralph Perry Chessall, D.D.S.
Roy S. Folger
Dudley Kinsell

Jean Howard McDuffie
Blanche Baldwin McGaw
Eileen Leonard McInerny, M.D.
Frank J. Reagan
Mrs. Mark Requa
Reuben Lukens Underhill
Charlotte Anita Whitney
Otis Buckminster Wight, M.D.

GIFTS OF RECOGNITION

To honor the following living persons, friends of the Society have made substantial monetary or other gifts:

Tamara Brown
Kenneth Michael Mackenzie
Lewis Madison Terman

In Memoriam

JOHN WARD MAILLIARD, JR.

Devotion to family, loyalty to friends, constructive work for the community, together with sound judgment and wise counsel, are the qualities that made Ward Mailliard (*d.* July 11, 1954) beloved and respected by all with whom he was associated. His achievements were many and his influence far-reaching, but he worked in such a quiet and unostentatious way that few realized the extent of his influence. He was never devious or uncertain; one always knew just where he stood and what he was working for. Telephone calls coming in to his desk kept him remarkably informed about what was going on, and by the telephone he could produce astonishing results in fund-raising or in a political campaign. He was a great salesman because he always had a dependable product, a worthy cause, or a fair proposition.

Ward Mailliard could have had many appointments to public office, but he rarely accepted one, and then only when he felt he could accomplish something worth while. He served on the San Francisco park commission and as president of the police commission, later as president of the state harbor commission. On the whole, he preferred to support others in public office. He was a stanch friend of Gov. Earl Warren and helped mightily in his campaigns. One of the great satisfactions of his life was the electing of his son, William S. Mailliard, to congress in 1952 and again in 1954.

John Ward Mailliard, Jr., was born in San Francisco, March 25, 1891. His father's family, of French derivation, had come to California in 1869 from New Jersey. For a time they lived in Marin County—at San Rafael and at San Geronimo. His mother, Lizzie Page Mailliard, was born in Chile, where the Page family had business connections. Ward's father and his Uncle Joseph were lifelong students of birds. They contributed notably to the collections of the California Academy of Sciences. Ward attended Lowell High School in San Francisco, and Taft School in Watertown, Connecticut, before entering Yale University. Although he did not finish his course there, he always remained a loyal Yale man and did more for his college than many an alumnus. In 1911 he started work for his father's firm, Mailliard & Schmiedell, food brokers and importers. He rose through the sales department to be sales manager, vice-president, president, and chairman of the board. As time went on, he became a director of many corporations, including Fireman's Fund Insurance Co., Western Pacific Railroad Co., Kern County Land Co., American President Lines, Schlage Lock Co., and American Trust Co. He was also a director of many civic organizations, and president* of the San Francisco Chamber of Commerce, the Industrial Association of San Francisco and the San Francisco Community Chest. From 1946 to '53 he was chairman of the board of trustees of the California Academy of Sciences, whose work interested him especially because of his family's early contributions to its collections. More recently, completion of the academy's planetarium had taken a substantial part of his time and effort. He was also keenly interested in the California Historical Society; he became a member two decades ago and served as a director during 1950 and '51.

Ward Mailliard married Kate Peterson in 1913. In all of his activities she played an important part. Their sons, John Ward Mailliard III, William Somers Mailliard, and James Mailliard, have continued in the family tradition and in the family's business.

Francis P. Farquhar

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*In Washington, D. C., at that time (1933), he suggested to the members of the site committee for the Golden Gate International Exposition that they review the possibilities of Yerba Buena Island Shoal; it was eventually selected and, as "Treasure Island," became world famous for its beauty during 1939-40.

LUCY WARD STEBBINS

Lucy Ward Stebbins, sustaining member of the California Historical Society since 1940, died in Oakland, January 31, 1955.

Miss Stebbins was born in San Francisco in 1880, the daughter of Horatio and Lucy Elizabeth Ward Stebbins. Succeeding to the pastorate of the First Unitarian Church of San Francisco in September 1864, after the death of Thomas Starr King in March of that year, Dr. Horatio Stebbins became a leader in the life of California, serving, in addition to his pastoral work, as president of the board of trustees of the College of California, and as a regent of its offspring, the state university, for twenty-seven years. It was in this atmosphere of learning and altruism that his daughter Lucy passed her early years.

After spending her freshman year at the University of California, Miss Stebbins transferred to Radcliffe College, from which she received the A. B. degree in 1902. Following graduation, she held several positions in New England in the field of social service, among which were probation officer, Massachusetts State Industrial School for Girls, and district secretary for Boston Associated Charities. Returning to California in 1910, she became assistant-dean of women at the state university, and in 1912, on the resignation of Dean Lucy Sprague, she succeeded to the deanship, a position she held for twenty-nine years. Thousands of women students will remember her friendly advice on their problems, and her poise and dignity in representing them. She also served the university as a teacher in social economics, working at the same time for the establishment of new departments which would provide professional and vocational education for women students; namely, home economics, decorative arts, and nursing.

Miss Stebbins was the recipient of two honorary degrees—Litt. D., conferred by Mills College in 1933, and LL. D. by the University of California in 1953. Her great achievement stemmed from her interest in the education and welfare of women students and the recognition and advancement of women in American universities. The latter was shown by the founding of, and her devotion to, the

Women's Faculty Club in Berkeley, which she served as president for over twenty years.

In addition to her membership in many national social-welfare organizations, she was an active member of civic and cultural clubs in the San Francisco Bay-area, and gave freely of her time and experience to their welfare programs. After her retirement in 1941, she was able to devote more time to their activities. As a native of California she loved and often visited the scenic and historic places in the state. Many of her summers were spent in her cottage at Carmel.

Among Miss Stebbins' surviving relatives are her sister-in-law Mrs. Horatio Stebbins of Palo Alto, and Mrs. Stebbins' daughter Mrs. James Keesling.

EDITH M. COULTER

LUTIE D. GOLDSTEIN

In San Francisco, the city where she was born (June 9, 1866), death came on April sixteenth of this year to Lutie D. Goldstein, daughter of A. S. and Helena (Alexander) Goldstein.

Lutie Goldstein's eighty-eight years of noble living were dedicated to helping the humanity she ardently loved. It was her profound belief that the highest and finest things are needed in our every-day walk through life if we are to capture the maximum of beauty, usefulness and generosity, for which we have the capacity if only the sources of such influences are made available for general use.

This creed was given to daughter Lutie by a well-loved father,* who, while teaching her the intricacies of his business, took care to pour into her young ambitious mind that not the possession of a great fortune was his chief concern but the dispensing of it, for he wanted his wealth to do the widest possible good.

When thinking of the Goldstein philosophy and of the magnificent way in which it has manifested itself, we must also remember Lutie Goldstein as a brilliant dynamic woman, with a keen sense of humor and a capacity for making and keeping alive warm friendships. These friends find it difficult to realize that death has deprived San Francisco of one of its ablest patrons of the art of living. To read the bequests in the Goldstein will, gives a coverage of her interests, but the list is small in comparison to the actual outpouring of her generosity.

We remember her benefactions to young artists and musicians. Notable among them is the internationally-famous violinist, Isaac Stern, who lived in San Francisco in his student days. Another violinist is Teresa Vanin, likewise sponsored to success by "Miss Lutie." These two artists are individuals who have brought renown to our city, but there are many institutions which have profited by her guidance and her gifts.

Brandeis University in Waltham, Massachusetts, was a dear project.† To it she gave large monetary sums and also a scholarship, and she reveled in being one of three women appointed to be the first fellows of Brandeis.

Rivaling Brandeis University in her affections was the San Francisco Symphony Association. On its board of governors she served for twenty years (1935-1936 to her death), supporting enthusiastically its development in many channels and working tirelessly on its fund-raising campaigns. Her will contained a substantial sum to help insure the orchestra's future. Music continually prospered through her provision for its welfare. The Columbia Park Boys' Club was for fifty years watched over by her diligent direction.

In the role of patron she furthered many organizations other than musical, such as the Pacific Hebrew Orphan Asylum, the Albert Einstein Medical Center in Philadelphia, University of California, Stanford University and Mount Zion Hospital. Disclosed in this incomplete list are some of the cultural and philanthropic centers which today enjoy progress toward attainment of objectives more completely because a great person lavished upon them her time, her energies, and her affection.

Of the members of Miss Goldstein's family who survive her, Mrs. E. P. (Hettie Goldstein) Ackerman, a sister, lives in San Francisco.

LEONORA WOOD ARMSBY

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*A. S. Goldstein, prominent hardware merchant of Fresno and San Francisco, was called a "model business man, honorable in his dealings and possessing those traits of character which at once make men not only popular but trusted and esteemed by all." (undated clipping, Calif. Hist. Soc. collection).

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†The university, named for U. S. supreme court justice, Louis D. Brandeis, held its "inaugural ceremonies" in October 1948. The *General Catalogue for 1950-51* (p. 9) quotes from the justice's requirements for a great university: "It must always be rich in goals and ideals, seemingly attainable but beyond immediate reach. . . ."

MRS. DUNCAN McDUFFIE

Jean Howard McDuffie, daughter of John L. and Anna (Finlayson) Howard, and a native of Philadelphia (b. Sept. 16, 1878), died in San Francisco on May 11, 1955. Her father will be remembered as Pacific coast representative of the Oregon Improvement Co. and of its re-organization as the Pacific Coast Co.; subsequently he established the Western Fuel Co., and then in Oakland in 1900, his own firm, The Howard Co. That the reader may appreciate the scope of his daughter's activity during her seventy-seven years—how she responded when causes of moment in the affairs of California were placed before her—brief mention will be made below of the ones that seem of particular importance.

Mrs. McDuffie's enthusiasm for gardens is apt to come first to one's mind when her name is spoken. For some time after the death of her first husband, Charles M. Schoonmaker in 1907, she traveled in Europe. What she saw in the gardens of Italy, and the methods employed by Italian gardeners, the McDuffies put into practice, following their marriage in June 1911, on their property at Tunnel and Roble roads in Berkeley, with the result that it became one of the most notable places in California.

On September 4, 1912, when a group of San Francisco Bay-area women met in Berkeley and formed the Baby Hospital Association (now the Children's Hospital of the East Bay), Mrs. McDuffie was chosen treasurer; the next year (Nov. 5, 1913), she was unanimously elected president of the hospital's board of managers, a position she held until December 1915, when she resigned to become a member of the Alameda County board of public welfare.

Two years later, while her husband was serving as a member of the U. S. food administration in Washington, D. C., the call came for the setting up of a California unit of the National League for Women's Service, then forming in the eastern part of the country, the purpose of the branches, included in each state-unit, being to supplement, by volunteer service, the work of the American Red Cross and the council of defense. Mrs. McDuffie undertook the task and served as president of the California unit from June 1917 to March 1920, its branches extending as far south as the Tehachapi.

The emergency of the first World-War over, plans were next laid to make the trained volunteer-service of the league's membership a permanent organization with a clubhouse of its own. To this end, Mrs. McDuffie was appointed chairman of the building committee, serving in that capacity during 1925-26. The present building at 465 Post Street, known as the Women's City Club of San Francisco, is a memorial to her vision.

Upon her husband's death in 1951, Mrs. McDuffie continued his efforts in behalf of the Save-the-Redwoods League, of which he had been president since 1944. Her own position as chairman of the Garden Club of America's committee on redwood preservation enabled her to stimulate interest in the purchase of a beautiful forested area along the highway in Humboldt County, which thereupon became known as the Garden Club of America Grove.

These are only a few of the ways in which Mrs. McDuffie, whose character inspired great admiration, played her part in the life of California. Surviving her are her brothers Henry S. Howard, engineer of Oakland, California; and Charles P. Howard, president of The Howard Terminal, Oakland. Her other brothers, Bruce D. Howard, died in 1918 during World War I; Sidney C. Howard, talented playwright of New York in 1937; and John L. Howard, Jr., in 1940.

Allen L. Chickering

GUY C. MILLER

With his appointment as Palo Alto's first mail carrier in 1904, Guy C. Miller became a maker of history as well as its sleuth. One phrase that stands out in the written tributes paid him since his death on May 13, 1955, is "Ask Guy Miller."* A man who is willing to be asked sometimes trivial, sometimes recondite questions, and will not be disheartened if the answer lies elsewhere than near at hand, is the kind of man the Palo Alto *Times* librarian and Palo Alto's unofficial city historian was.

Guy C. Miller was born in Salem, Oregon, in 1877 of pioneer stock, his great-grandfather having come to that part of the country in 1852. When twenty years of age Mr. Miller matriculated at Stanford University, where he majored in English with history as his minor. Close to his alma mater he found his first long job on the staff of the Stanford Book Store, 1906-20, the last six years as manager. There followed employment in book and stationery stores in Sacramento, San Jose, and Palo Alto, and an eight-year project, carried on in good and ill health, indexing Palo Alto's municipal records. No one who has tried to follow the thread of human lives, industrial concerns, land tangles, and a host of other tenebrous phenomena (in their widest sense) can fail to respond to such exertions, performed always in the interest of some one else. In the June 1948 issue of the QUARTERLY (pp. 134, 138, 139), Charles A. Barker, writing on Elisha Oscar Crosby, had occasion to express acknowledgment for just such services when Mr. Miller discovered a record, dating back to 1853, which connected Crosby with the naming of Mayfield. Among the Miller writings is *The Palo Alto Community Book,* published in Palo Alto in 1952. Comments on the value of his researches by Mr. D. C. Baker, president of the Palo Alto Historical Society, may be found in the *Times* (as below), p. 9; see also *ibid.*, pp. 1, 2, for extended biographical sketch and photograph.

Mr. Miller's wife, the former Blanche Myer, died in 1948, and a son Kenneth the preceding year. Another son, Max Miller of Bolinas, California, and a grandson David, survive.

GEORGE L. HARDING

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*Elinor V. Cogswell, Daily Palo Alto *Times,* May 14, 1955 (editorial page).

MRS. WALLACE M. ALEXANDER

Mrs. Wallace M. (Mary Barker) Alexander, wife of a scion of Hawaiian sugar planters—who, himself, added greatly to his family's holdings in the islands and in California—died in Honolulu on June 3, 1955, at the age of eighty-two.

Some six years ago (Oct. 12, 1949) Mrs. Alexander, a native of San Francisco, invited a large throng, including members of this Society, to join her at her home in Orinda in celebrating her father Timothy L. Barker's arrival in San Francisco from Connecticut just a hundred years before. As a partner in the firm of Wellman, Peck & Co., importers of groceries, Mr. Barker came upon prosperous times, and in 1872 married Mary R. Simpson of New York City, a Californian since 1868. Upon his retirement from active business, Mr. Barker served (1885-87) as city councilman of Oakland; charitable institutions on both sides of the bay also benefited from his interest in their work.

Mr. and Mrs. Alexander were married in 1904 and for many years lived in Piedmont where they were active in supporting plans for the town's advancement, particularly the establishment of Piedmont Community Church and the shopping-center nearby. Her work for the Red Cross dates from the first World War. Of special interest to her was the Women's Athletic Club of Oakland, of which she was a founder in March 1926. Recently her husband's and her efforts to promote friendly relations between Japanese and American citizens received recognition when she was elected on June tenth 1953 honorary president of the Japan Society of San Francisco, an old organization revived in 1952.

Among instances of Mrs. Alexander's liberality was her large gift to Stanford University in memory of her husband and her father. She became a sustaining member of the California Historical Society in 1945, and since 1948 has been a patron member.

The Alexanders' daughter Martha, wife of Frank A. Gerbode, M.D., survives her parents and lives with her family in San Francisco.

ALLEN L. CHICKERING

REPORT OF THE TREASURER

January 31, 1955

As has been customary for several years past, the books of the Society have been audited by Messrs. Farquhar and Heimbucher. Their full report for 1954 is on file at the headquarters of the Society, a summary being given below.

BALANCE SHEET

As at December 31, 1954

Assets

Cash—Commercial account	$ 4,754.90	
Savings account	5,961.87	
Office revolving fund	20.00	$10,736.77
U. S. Savings Bonds, G		1,200.00
Accounts receivable—		
General fund	61.02	
Publication fund	5,758.81	5,819.83
Inventory of publications		3,710.62
Prepaid insurance		156.48
Total assets*		$21,623.70

*Library collections and furniture and fixtures are not valued on the books.

Liabilities

Accounts payable—publication fund		$ 5,582.14
Sales tax payable—state	146.71	
city	6.29	153.00
Dues collected in advance		817.50
Total liabilities		$ 6,552.64

Funds

General fund	44.00	
Publication fund	8,380.80	
Library fund	3,260.66	
Cavalier Memorial fund	3,385.60	
Total funds		$15,071.06
Total liabilities and funds		$21,623.70

GENERAL FUND INCOME STATEMENT

For the Year ended December 31, 1954

INCOME		
Dues—Active members	$12,892.50	
Sustaining members	5,800.00	
Patron members	4,600.00	
Associate members	1,200.00	
Entrance fees	435.00	$24,927.50
Contributions—General fund	$ 1,389.86	
Special purposes	216.13	1,605.99
Sales of QUARTERLY		607.25
Sales of prints		536.74
Miscellaneous sales		514.31
Interest on savings account		39.69
Miscellaneous revenue		17.33
Total income		$28,248.81

EXPENSES		
Operating expenses—		
Salaries	$14,655.00	
Rent	3,900.00	
Telephone and telegraph	115.28	
Office supplies	217.32	
Postage and express	125.55	
Furniture and equipment	258.75	
Insurance	149.69	
Library expenses	235.92	
Miscellaneous	476.88	$20,134.39
Membership and publicity		182.25
Exhibit expenses		5.48
Luncheon expenses		199.27
QUARTERLY publication costs		7,408.55
NOTES publication costs		963.80
Cost of print sales		413.87
Total expenses		$29,307.61
Net income *(loss)*		*($1,058.80)*
Fund balance at beginning of year		1,102.80
Fund balance at end of year		$ 44.00

PUBLICATION FUND INCOME STATEMENT

For the year ended December 31, 1954

Sales of publications		$ 9,874.72
Less Cost of sales—		
Beginning inventory	$ 3,916.65	
Purchases	7,492.74	
	$11,409.39	
Less Ending inventory	3,710.62	
		7,698.77
Gross profit from sales		$ 2,175.95
Less Selling expense		416.09
Net profit from sales		$ 1,759.86
Interest on savings account		19.83
Net gain to fund		$ 1,779.69
Fund balance at beginning of year		6,601.11
Fund balance at end of year		$ 8,380.80

LIBRARY FUND INCOME STATEMENT

For the Year ended December 31, 1954

Income

Sales of duplicate books	$ 120.05	
Contributions	505.41	
Interest on savings account	45.27	
Total income		$ 670.73
Less Expenses—		
Purchases		486.99
Net increase in fund		$ 183.74
Fund balance at beginning of year		3,076.92
Fund balance at end of year		$ 3,260.66

GIFTS RECEIVED BY THE SOCIETY

March 1 to June 1, 1955

Materials of great interest have been contributed by many friends in many places:

ALAMEDA
- W. Barclay Stephens, M.D.

AUBURN
- Mrs. May W. Perry
- Wendell T. Robie

BERKELEY
- Mr. and Mrs. Ralph H. Cross, Sr.
- Mr. and Mrs. Oliver S. Loud
- Hobart M. Lovett
- Miss Fanny Jeffers Pray
- Louis L. Stein, Jr.
- Mrs. John Hudson Thomas
- Estate of Reuben Lukens Underhill

BIG SUR
- William E. Colby

BRODERICK
- Mrs. Edward Esycheck

CARMEL
- Mrs. Rogers P. Parratt

CRESCENT CITY
- Don M. Chase

DANVERS, MASSACHUSETTS
- Lawrence W. Jenkins

GASQUET
- Mrs. Esther Ruth Smith

GLENDALE
- Mrs. John Calvin Sherer

GRASS VALLEY
- Mrs. Edna D. Sampson

GREENWICH, CONNECTICUT
- George A. Worn

HOLLISTER
- Harry J. Breen
- Mrs. Florence W. Townsend

JAMESTOWN
- William C. Cheney

JEFFERSON CITY, MISSOURI
- Lew Larkin

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- The Farmers and Merchants National Bank of Los Angeles
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- Charles Yale, Bookseller

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- Paul E. Glase

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- Edward A. Sprague

SAN DIEGO
- Charles E. Arnold

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- Miss Joanne Brehm
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- George H. Cabaniss, Jr.
- Mrs. G. D. de Balaine
- Laurence V. Degnan
- Jacques de la Montanya
- Richard Dillon
- Sidney M. Ehrman
- Mrs. Paul Gottlieb

San Francisco (continued)

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John Howell, Books
Edgar M. Kahn
David Kasmire
Lawton R. Kennedy
F. J. Kilmartin
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Mrs. Harold Mann
Charles H. Merrill
John L. Merrill
Miss Frances Murphy
Hugo T. A. Olsson
F. Somers Peterson
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Herb Hamlin
Mrs. Ruth Ann Newport

Vancouver, British Columbia
J. S. Marshall

Yuba City
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Recent Californiana

A Check-List of Publications Relating to California

Barker, Charles Albro. Henry George. N. Y., Oxford University Press, 1955. xvii, 696 p. Port. $9.50.

Brandon, William. The Men and the Mountain; Frémont's Fourth Expedition. N. Y., William Morrow, 1955. xii, 337 p. Maps. $5.00.

[Brown, Blanche and Zola Willis] Anderson Valley Community Methodist Church; 90th Anniversary Celebration, April 17, 1955. [Santa Rosa, Herald Print, 1955. 11 *l*] Illus. [Apply to authors, Philo]

California. Department of Natural Resources. Division of Beaches and Parks. Point Lobos Reserve State Park, California; Interpretation of a Primitive Landscape. Edited by Aubrey Drury. Sacramento, Printing Division (Documents Section) [1955] 96 p. Illus., maps. $1.00.

Giffen, Helen Smith. Casas & Courtyards; Historic Adobe Houses of California. Oakland, Biobooks, 1955. 153 p. Illus. $17.50.

Gordon, Margaret S. Employment Expansion and Population Growth; the California Experience, 1900-1950. Berkeley, University of California, 1954. 192 p. $3.50.

Historical Society of Pomona Valley, Inc., pub. [Dedicatory Ceremonies of] State Historical Landmark No. 514, Pomona Water Power Plant, Birthplace of Long Distance Transmission of Alternating Current at High Voltage in California. [Pomona, 1955. 10 *l*] Illus., ports. [Apply to the Society, 130 Garfield, Pomona]

Keller, George. A Trip Across the Plains and Life in California . . . Oakland, Biobooks [1955] x, 44 p. $7.50.

Markoff, Alexander. The Russians on the Pacific Ocean [California, 1845] The Ivan Petroff translation ... Los Angeles, Glen Dawson, 1955. xvi, 65 p. $5.00.

Marshall, James Stirrat and Carrie. Adventure in Two Hemispheres, Including Captain Vancouver's Voyage. [Vancouver, Authors, c1955] xii, 208 p. Maps. $6.75. [Apply to Talex Printing Service, 820 Richards St., Vancouver 2]

Merriam, C. Hart. Studies of California Indians. Berkeley, University of California, 1955. xviii, 233 p. Illus., ports. $3.75.

[Ridge, John Rollin] The Life and Adventures of Joaquín Murieta, the Celebrated California Bandit ... with an introduction by Joseph Henry Jackson. Norman, University of Oklahoma [c1955] l, 159 p. Illus. $2.00.

Ritchie, Ward. Job Printing in California; With Four Original Examples of Early California Printing. Los Angeles, Glen Dawson, 1955. 31 p. $7.50.

Robinson, William Wilcox. Pasadena; a Calendar of Events in the Making of a City. Los Angeles, Title Insurance and Trust Co. [1955] 14 p. Illus. [Apply to publisher]

Shochat, Fern Dawson. The Fiftieth Anniversary of Dawson's Book Shop: 1905-1955. [Los Angeles, Glen Dawson, 1955] 24 p. Illus., ports. [Apply to publisher]

Speck, Gordon. Northwest Explorations. Portland, Binfords & Mort [c1954] 394 p. Illus., maps, ports. $4.00.

Stimson, Grace Heilman. Rise of the Labor Movement in Los Angeles. Berkeley, University of California, 1955. 529 p. $6.00.

Stuart, Reginald R., and Grace D. A History of the Fred Finch Children's Home; Oldest Methodist Home for Children in California, 1891-1955. Oakland, The Home [c1955] 94 p. Illus., maps, ports. $6.00.

Marginalia

NOTES ON AUTHORS IN THIS ISSUE:

Clarence C. Clendenen, colonel, U.S.A.-Ret., a native of Colorado, was graduated from West Point in 1920. He has served on the Mexican border, in the Philippine Islands, in Venezuela, and in Japan, and for eight years was on the faculty at West Point. Colonel Clendenen holds an M.A. degree from Michigan State College, and is now a graduate student at Stanford University.

During World War II, Robert P. Hastings (B.A., 1933, Yale College; LL.B., 1936, Harvard Law School) served as air-combat intelligence officer in the U. S. navy, Pacific theater. He is a partner in Paul, Hastings & Janofsky, attorneys-at-law in Los Angeles, and the author of *Privateer in the Coconut Navy*, privately printed for the surviving members of his bomber squadron, and the parents and wives of those killed.

James J. Hudson (Ph.D., 1952, Univ. Calif.) chose for the subject of his dissertation, "'The California National Guard, 1903-1940," of which his article published here is a part. During 1942-45, Mr. Hudson was an officer and pilot, U. S. army air force. At present he is assistant professor of history at the University of Arkansas.

Frank Knapp, Jr., was recalled to active duty, U.S.A., in 1951, after receiving his Ph.D. degree at the University of Texas; and two years later he was the first to receive the Louis Knott Koontz award from the Pacific Historical Association. Besides articles in various historical journals, he is the author of *The Life of Sebastián Lerdo de Tejada* (Austin, 1951). Mr. Knapp is with the department of state, Washington, D. C.

Although a confirmed Texan, whose grandfather fought with Gen. E. Kirby Smith in the Civil War, M. H. Watford (M.A., 1939, Univ. Oklahoma) is not an "unreconstructed Southerner," as may be seen from the use of the word "rebellion" in the title of his paper. Mr. Watford, who served with a military government unit in the occupation of Japan, is teaching at Travers High School in Austin, while studying for the Ph.D.

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Incorporated March 6, 1886   Reorganized March 27, 1922

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Fages' Crossing of the Cuyamacs

By Hero Eugene Rensch

Although it has been over forty years since Herbert Ingram Priestley edited and translated the diary which Lt. Col. Pedro Fages kept of the Colorado River campaign, 1781-82, and of his expeditions across the desert,[1] historians seem to have overlooked the part of the diary in which he describes the cut-off Indian trail he took over the Cuyamaca Mountains from Vallecito to Mission San Diego in April 1782. Bancroft did state that "Fages in 1782 had crossed directly from the Colorado to San Diego, the first recorded trip over the route."[2] He was not specific, however, as to the line taken, for, as he said, the Fages diary was "a document I have been unable to find."[3]

When, in the spring of 1950, I read the part of the diary recording the route from San Sebastián (now Harper's Well) at the junction of San Felipe and Carrizo creeks, to Mission San Diego, I realized the light it would throw on the story of Cuyamaca Rancho State Park where I was engaged in a study of the region's human history.[4] But which of the ancient Indian trails was it that Fages followed? The question led to an intensive examination of primary sources and topographical maps in their relation to the diary itself, and was supplemented by interviews with men long familiar with this mountain and desert country.[5] The first-hand knowledge of these men corroborated many of my own conclusions as to Fages' route, and when I went over the trail myself in the summer of 1953, landmarks noted in his account were verified on the ground.

Credit for recognition of the fact that Fages played an important part in opening the trail later known as the Sonora road to Los Angeles, is due the late George W. Beattie in his excellent study of that trail published in 1933.[6] Fages' route from the eastern entrance of Carrizo Canyon to the mouth of Box Canyon in Mason Valley (hereafter referred to as the Carrizo Corridor) coincided with the line of the later Sonora road, and, to this extent Dr. Beattie was right. My studies show, however, that he was in error in stating that in opening that road Fages went through Box Canyon, past San Felipe and Warner's Ranch, and thence down the San Luís River to the coast and on to San Diego. Instead, he took the well-worn Indian trail from Vallecito over the Cuyamaca Mountains and down the San Diego River to the mission.

This diversion from the main desert path traveled by Anza, 1774-76, constituted the first known penetration of the area westward, all the way from the desert to the coast, and, as far as can be learned, the diary was the only day-to-day account of a passage this early. It is also known that, after a conference with Serra at the San Diego Mission ten years before (Sept. 1772), Fages had gone east through the mountains into what is now Imperial Valley, in pursuit of deserters.[7] As the story unfolded from inferential and circumstantial evidence found in the various documents, 1772-82, the conviction grew that on both occasions—east from San Diego and into the desert in the autumn of 1772, and west from the desert and through the mountains to San Diego in the spring of 1782—Fages had gone over the same mountain path. It was a direct short-cut, known alike to Indians, to deserters, and to Fages and his mounted soldiers.

Herbert E. Bolton stated that the entry of Fages "into the South San Joaquin ahead of Garcés" in the autumn of 1772 led to one of the major discoveries of the Spanish period.[8] Garcés himself accorded that honor to Fages when he wrote in his diary of the Anza expedition in 1774, "the road from San Diego is already known," Garcés having reached that conclusion from what the Indians had told him at the village of San Sebastián on March 10, 1774:

> Here they told us that Don Pedro Fages and the deserters had passed that way. ... We struck the trail of Don Pedro Fages and threaded the pass by which the Indian, Sebastián, had come out.... From this I conclude that in time the road to these new establishments will be greatly shortened, notwithstanding that now, having cut the trail of Don Pedro Fages, two roads are already opened, one to San Gabriel and the other to San Diego.[9]

Thus, Fages made two major contributions during his tour of 1772: he discovered the Colorado Desert and the south San Joaquin; and he opened two roads of great importance in later overland developments—(a) the "road from San Diego" through the Carrizo Corridor and over the Cuyamacas; and (b) the road over the San Carlos Pass, as Garcés said.

Part of the evidence pointing to the use of the ready-made Indian trail over the Cuyamaca Mountains and through the Carrizo Corridor is the statement of Capt. A. R. Johnston of the Kearny expedition, when he passed over the Yuma trail westward from the Colorado River and through the corridor in November 1846: "The constant seeing of pieces of pottery shows that Indians have traversed it time out of mind."[10] Furthermore, when Fages, at San Sebastián on April 17, 1782, turned aside from the road to San Gabriel via the San Carlos Pass, and proceeded, instead, to San Diego by the direct mountain path, he did not hesitate. He acted like a man who already knew the way. He sent no scouts ahead to spy out the line of march. He did not even ask for an Indian guide at San Sebastián.

In the words of one authority, "The Yumas controlled the gateway to California."[11] Their friendship had opened that gateway to Anza and Garcés early in 1774. Their enmity closed it in the summer of 1781,[12] when members of their tribe at the mission settlements of San Pedro y San Pablo and La Purísima Concepción on the Colorado rebelled, their grievance being a basic struggle for food:

> The soldiers, and the few white settlers who came with them, used for themselves the scant patches of ground on which the Indians raised their melons, beans, and corn, and the white man's cattle ate up the precious pasturage which their own poor stock needed. . . .[13]

A council of war, held by the Spaniards at Arizpe, Mexico, on September 9, 1781, resulted in the sending of a punitive force of 100 soldiers under Lt. Col. Pedro Fages and Capt. Pedro Tueros, which took the overland trail opened by Anza. At the Colorado River they were able to ransom the women and children, taken by the Indians from the mission establishments, and return them to Mexico. On a second trip, November-December 1781, Fages recovered the bodies of the four missionaries, while at the site of La Purísima Concepción he found the graves of fathers Garcés and Barreneche.[14] He was then ordered to go to Mission San Gabriel to confer with Gov. Felipe de Neve on future action. Acting on these instructions, he set out in January 1782 with 40 soldiers via the short-cut Anza trail through present-day Imperial Valley to San Sebastián, and proceeded thence to San Gabriel where he arrived on March twenty-sixth. Rains and high water on the Colorado forced the governor to postpone the projected Yuma campaign until September. Accordingly Fages left San Gabriel on April second with "ten soldiers from Sonora and ten from Monterey," and returned to the Colorado River, where, on April thirteenth, he informed Captain Tueros of the governor's decision.[15]

But the campaign that was planned against the Yuma villages was never carried out. The majority of the tribe remained hostile and the desert road to the Yuma crossing was not used again until 1824, except by Fages himself on three occasions: the April expedition recorded in his diary of 1782; in September of the same year when he returned from the Colorado to San Diego as governor of Alta California for the second time;[16] and in the spring of 1785, when, with José Velásques as diarist,[17] he made a final attempt to reopen the desert road. On each of these trips Fages followed the Indian trail over the Cuyamaca Mountains direct to San Diego. It is therefore to Fages' diary of 1782 that we must look for light not only on the route he took in 1772 but on later expeditions as well—those Bancroft was unable to explain, not having in his possession the document discussed in the present paper.

On the first of the three occasions mentioned above, Fages began his trip back to Mission San Gabriel from the ruined village of La Concepción[18] on April 14, 1782. On the sixteenth he camped at the Cieneguita del Tular (now Kane Springs), 162 feet below sea level, the lowest point on the Fages trail. At about nine the next morning (April 17) they reached San Sebastián, "a small village of mountain Indians" who "spoke the language of San Diego";[19] and, as Fages says, hearing from them "... that the Indians of the mountains about San Diego were in a state of semi-insurrection, I thought I might observe their movements and make them feel some respect if I should change my route and pass through their territory on my way."

Delaying only to refresh their mounts, the party left San Sebastián, with Fages leading the way south along the wash of Carrizo Creek five leagues (12.5 miles), "over sandy, alkaline land, on which there were a few mesquite trees." At the mouth of a dry canyon relieved by occasional pasturage, Pachula, the captain of the village of San Sebastián, and some 30 of his followers, caught up with Fages and asked to accompany him to San Gabriel,[20] but the latter persuaded him to return to his village.

Palm Tree Sites.—After a two-hour rest, Fages and his men headed west through the Carrizo Corridor for six leagues (15 miles). Their next stopping places were marked by palm trees *(Washingtonia filífera)*. The exact locations of the palms mentioned in the diary are uncertain, but stumps of palm trees have been uncovered from time to time by flash floods. The most destructive agent in the trees' disappearance was the pioneer white man, who used them for firewood during the gold rush of 1849 and the 1850's, a fact deplored by William P. Blake, geologist of the U. S. government's reconnaissance of 1853,[21] and by the San Diego *Herald* of January 28, 1852, which commented upon the resentment of the desert Indians, to whom the palms meant food and shelter from the sun.

Until now it has been thought that Lt. Col. W. H. Emory of Kearny's expedition was the first to mention palm trees in this area when, on November 29, 1846, he thus described those he saw at the site designated on modern maps as Mountain Palm Springs:

> A few miles from the spring called Ojo Grande, at the head of the creek, several scattered objects were seen projected against the cliffs, hailed by the Florida campaigners, some of whom were along, as old friends. They were cabbage trees, and marked the locale of a spring and a small patch of grass.[22]

Sixty-four years before this notation, Fages, as we have just seen, twice mentioned palm trees as distinguishing features of the places passed by his party. Again, palms were mentioned in April 1785, when Fages and Velásques went this way, Velásques noting in his diary that they came to "el paraje de la Palma, con agua y pasto," the region of palms with water and pasture.[23]

The first palm trees mentioned by Fages made up the group which he called "Three Palms," probably the trees shown on U. S. topographical maps as "Pamitas." Very likely they were the "palmetto" trees referred to by Capt. A. R. Johnston,[24] on the same date that his fellow traveler, Emory, recorded them. Johnston said his party left the Carrizo "at half past 8, and . . . at 9 we came to some palmetto trees at a spring of saltish water." The distance on modern maps from the Carrizo Creek station to "Pamitas" measures three and one-half miles, a distance which could have been covered on horseback in the half hour stated by Johnston. The "Pamitas" site measures 11 leagues from San Sebastián (Harper's Well), the same distance that Fages gave for his "Three Palms," where he and his men rested for the night.

On the morning of April eighteenth, the company pushed on another four leagues (10 miles) up the Vallecito wash where they passed the next group of palms described in the diary as a place of springs, with "three or four very tall palms" to the right of the path. It is difficult to identify the location of these trees on modern maps, partly because of changes which take place in the course of Vallecito Creek after each flash flood.

The "Palm Springs" usually shown is little more than five miles from

"Pamitas," but the "three or four very tall palms" of Fages were four leagues (10 miles) from his "Three Palms." The logical conclusion is that the "Palm Springs" of the maps is not identical with Fages' "three or four very tall palms." We know that the Butterfield stage station, called "Palm Springs" in 1858-61, was half way from Carrizo to Vallecito (9 miles). This makes it identical with the "Palm Springs" shown on recent maps, but obviously does not pin down the exact whereabouts of Fages' palms. Strangely enough, old maps of San Diego County, published in 1883 and 1889, may give us the correct location.[25] On them "Palm Springs" is shown in T14S R7E, Sect. 10, about north of the middle line of this section, and on a stream running south from the Vallecito Mountains. A spring and some mesquite trees exists here today, but no palms. Nevertheless, palms may have grown here in 1782. This location is ten miles (4 leagues) from "Pamitas," the same distance given by Fages from his "Three Palms" to his "three or four very tall palms."

San Felipe Viejo (Vallecito).—From the springs at the "three or four very tall palms," Fages' party continued on to the oasis now known as Vallecito (his "San Felipe"), where a halt was made for the night. He had passed "another spring on the slope of a little ridge," which today is called Agua Caliente. They had come six leagues or 15 miles from his "Three Palms."

Fages described San Felipe as a place "where there was plenty of pasturage and two pools of water . . . a superabundance of fine magueys, as well as of firewood," and he concluded that "it has the conditions requisite for establishing a presidio." The two pools of water have been covered over in recent times, but according to Everett Campbell, a rancher who has lived within four miles of the Vallecito station for the last forty years, there is evidence of their former existence.

Although Vallecito never became a presidio, Fages, in his official report of 1787, proposed that a garrison be located there.[26] The site became an important stopping-place on the San Diego road through Cuyamaca, and on the Sonora road from the pueblo of Los Angeles to northern Mexico, 1826-48. After the discovery of gold at Coloma on January 24, 1848, it was of even greater importance on the southern overland route to the mines—for those from Sonora, Mexico, in the summer and fall of 1848, and for those from the United States all through 1849 and the 1850's. Its greatest importance was as a station on the San Antonio-San Diego mail route, 1857-61, and on the Butterfield stage-line, 1858-61. It was used to some extent until the Southern Pacific Railroad was built between Yuma and Los Angeles by way of San Gorgonio Pass.

The sod house, built at this site in the early 1850's, still stands and was the home of the first permanent settler at Vallecito, James Ruler Lassator, in business there 1854-65. It is from Mrs. Lassator that we get information on the material of their home: while commenting on the occurrence of earthquakes at Vallecito every month in the summer of 1856, she said that the "house shook very much. Its walls are of sods."[27]

Through the Magueys to Mason Valley.—Fages made the following entry in his diary on April nineteenth:

> We set out in the morning from this place in the midst of the magueys, and after going one league, rounded a small rocky pass, and came upon a plain which extended north and south probably two and a half leagues, and east and west about one and a half leagues, on the slope of a range of moderate sized, well grassed mountains, with plenty of springs. Nearby the latter we found a very large village of Camillares Indians, who climbed up a hill as we were passing, and came down to talk to the soldiers who were coming behind with the horses.

The "small rocky pass" was La Puerte Grade, which leads into Mason Valley across which the horsemen rode toward the high mountains. At the north end of Mason Valley, Fages had completed his journey through the Carrizo Corridor. Here he turned west at the site of what became the junction of two historic roads after 1826: the Sonora road to Los Angeles, which went east through Box Canyon; and the San Diego trail, which went directly west to Mission San Diego by way of the ready-made Indian trail over the Cuyamaca Mountains.

Maguey plants *(Agave deserti)*, which furnished a rich source of food and vegetable fiber for the Indians of the desert and mountains, have thrived throughout this area for hundreds of years. Late in the autumn of 1846, Captain Johnston noted in his journal that "on the road the agave abounded and some of the flower stalks were just budding forth"[26]—a fact observed, also in late autumn, some seven decades earlier by Pedro Fages, who included an accurate description of the "maguey" and its use as food by the Indians, in his official report to the Mexican government in 1775.[29] It seems reasonable to conclude that Fages was not only the first white man to describe the plant and its uses, but that his account was based on his own observations in the Carrizo and Vallecito region during his pursuit of the deserters from San Diego in the fall of 1772.

The Canyon with Steep Slopes.—Significant geographical features on the next part of the journey are the steep-walled Oriflamme Canyon and the alder-fringed Oriflamme Creek, which is fed from sources high in the Cuyamaca Mountains. In Fages' words, as translated by Priestley:

> (Apr. 19) . . . We pursued our journey for about a league along this plain [Mason Valley], when we entered a canyon having steep slopes [the Oriflamme]; after going about one league in this, we struck a little stream fringed with alder trees. From here we began to ascend a high range, arriving at its summit after winding from hilltop to hilltop for about two leagues.

The older riders of the Cuyamaca and Laguna mountain trails agree that Oriflamme Canyon most nearly answers his description of "a canyon having steep slopes," and the one most accessible to horsemen; that a natural roadway led up this canyon before the great flood of 1916 washed it out.[30] There is also a stream along which alder trees ("unos alisos")[31] grow, as Fages said. In the opinion of these authorities, this is the only canyon leading from the desert into these mountains in which alders grow along the stream.

The trail Fages and his men followed on their ascent from the mouth of the canyon (2500 ft. in elevation) into Cuyamaca Valley, 2100 feet above, may still be traced along the ridge just south of the fork that enters Oriflamme Canyon from the northwest. It is deeply worn and is marked by stones piled one atop the other in Indian fashion; on one or two lower mesitas (hill tops), old campsites are visible, with their grinding holes, broken pottery and scorched earth.[32] Increasing in elevation as it winds (to quote Fages) from "hilltop to hilltop," the trail finally reaches the line of the later Lassator and Mulkins "hay road," or sled road,[33] and follows it southwest and west into Cuyamaca Valley.

Cuyamaca Valley in 1782.—Fages now led his men through the middle of the south half of section 35, T13S R4E, about where "The Old Mulkins Road From Cuyamaca To Fort Yuma" is marked on the U. S. patent map of October 1874. They were traveling south of west, and crossed the Sunrise highway at an elevation of about 4666 feet. Thence they continued over gently rolling hills on the east side of Cuyamaca Valley, until the highest point on the trail was reached at about 4920 feet southeast of Cuyamaca Lake (well within the boundaries of the Cuyamaca Rancho State Park), the elevation being maintained throughout the pass leading along the east side of Stonewall Peak to a point above the headwaters of Stonewall Creek, a branch of the Sweetwater River. At this "summit," five leagues (12.5 miles) from San Felipe, the party rested, giving Fages a chance to set down some observations on the country:

> . . . we found a different climate from that which we had been experiencing, and we noticed that there were numerous groves of pine and other trees in the entire neighborhood, also a great deal of pasture in the canyons between the hills on either hand, and plenty of water.

His "different climate" expresses the relief they felt from the five days of desert heat on the way from Yuma. Equally relieving was the sight of pine and pasture and the abundance of water. Their presence discloses his whereabouts, for one does not find an area that fits Fages' description until Cuyamaca Valley is reached. In April the Laguna que se Seca (now Cuyamaca Lake) would not be dried up, and all the mountain streams would be running. At various times between 1800 and the 1870's (the "unfenced years"),[35] mountain pastures in this region afforded grass to thousands of cattle. As late as September 1873, for example, a news item in the San Diego *Union* stated that "extreme drought and scarcity of pasture" in the coast ranges forced cattlemen to drive their flocks and herds into the Cuyamaca Mountain valleys. Also, pine trees were in greater abundance, formerly, on the floor of Cuyamaca Valley. Signs of this are the stumps, still visible in the lake bed north of Stonewall Mine, indicating that during 1870-90, when the mine was in operation, trees had been cut for timbers.

Into Green Valley, La Cañada Verde.—From the summit of the pass where Fages made the observations quoted above, his party headed south:

> . . . We pursued our journey southward through one of these canyons, and halted, after going two leagues, on the slope of a well grassed hill, and rested at a place where there were trees of various kinds, and good water.

Of the two canyons running south from Stonewall Peak into Green Valley, the one on the west side of the mountain is occupied by Cold Spring Creek, along whose semi-rugged upper reaches the old road went in the 1860's and 1870's. This canyon, however, adds another half-league to the distance as given by Fages. The other canyon, on the east side of the peak, lay directly in Fages' line of march; in it a well-marked Indian trail paralleled the stream, present-day Stonewall Creek. For a short distance this canyon is also rugged, but along the greater part there would be, as Fages said, "a great deal of pasture." The confluence of the creek with Sweetwater River is about one and three-quarters miles from the summit, in the upper portion of Green Valley.

Three Indian campsites with their characteristic grinding holes still mark this section of the present road: the first site was situated east of Cuyamaca Lake; the second lay to the right of the broad meadow, surrounded by pine and oak trees, which extends below the summit; the third was at the junction of Sweetwater River and Stonewall Creek in upper Green Valley. These three sites point to the existence of an Indian path—the path that guided Fages' party over the most direct route to their destination, and which, according to Joseph Swycaffer and John Hinton,[36] was the one used by carriers of mail in the 1850's.

Fages and his party rode two leagues down Green Valley, passing en route "through a good-sized village of Camillares." He had come from San Sebastián to observe these Indians, supposed to be "in a state of semi-insurrection." He reported, however, that they "approached me very pleasantly, and I gave them some glass beads . . . they seemed very contented, and showed their friendliness." Their village, situated on both banks of Ha Pilchá ("water white"[37]—the creek that runs down from South Peak and West Mesa into Green Valley and joins the Sweetwater above the bridge), may now be recognized by large boulders, where acorn meal was ground, and by pieces of broken pottery. The highway now cuts through the middle of this once-busy scene. On the east side of the road stood James Ruler Lassator's other ranch house. He not only cut hay at his Green Valley place and produced milk and butter to supply his business at Vallecito, but he also kept here the principal mountain station on the U. S. San Antonio-San Diego mail line, 1857-61 (see accompanying map).[37a]

Shortly after passing the Camillares' village, the horsemen rested at a place "where there were trees of various kinds, and good water" (most likely in the vicinity of the park's present campground in lower Green Valley), and were visited by other friendly Indians from the village, to whom beads were also given. Fages reiterates their peaceful intent by adding that "they brought no arms to camp." Site of this halt was a little more than seven leagues from Vallecito (18 miles).

Through El Valle de Guatay to El Portesuelo.—Thence the horsemen continued "two leagues to southward," along the approximate line of highway 79 past Oakzanitas. They did not cross Descanso Creek as the present highway does; instead, they skirted its right bank, as did the original pioneer road later. Since Fages' day, fires have reduced the numbers of trees reported by him; and high water, such as that during the great flood of 1916, has also deepened the canyon, so that, on each slope, outcroppings of granite are now exposed among the thickets of ceonothus.[38]

Pressing on southwestward through El Valle de Guatay (the Descanso Valley of today), Fages' party crossed what is now Little Descanso Valley and passed by the sites of the present-day Descanso store and the U. S. ranger station. At the crest of the rise, just above the source of Viejas Creek, they came to "a very steep ridge," known in later years as "El Portesuelo," the gateway to the Rancho Sierra de Cuyamaca.[39]

Camp in El Valle De Las Viejas.—The steepness of the ridge caused an event that received special comment in Fages' diary, toward the close of his entry for April nineteenth:

> . . . most of the troop had to dismount. But one corporal of the presidio, who would not dismount, rolled a good way with horse and all; he was not much hurt, thank God, although we thought he had been crushed to pieces.

—which is an accurate picture of conditions encountered today in the upper part of Viejas Canyon. Camp was pitched at the foot of the ridge "on a little table-land, on the borders of which there was plenty of pasture and water." The region was later called El Valle de Las Viejas, the Viejas Valley of today, and according to old residents it is the only place along the western base of the Cuyamaca Mountains that meets the description in the diary. In the vicinity, near the foot of the "very steep ridge," stood the adobe station of William Williams in the 1850's and 1860's—one of the four stations on the San Antonio-San Diego mail route, mentioned above, between Vallecito and San Diego, 1857-61.[40]

During their ride on April nineteenth from Vallecito, Fages and his party had covered twenty-three miles over a little-known mountain wilderness; they had also sounded out the attitude of the Camillares: the rumors of their hostility, current at San Sebastián, had proved to be false.

Long before the coming of Fages, Viejas Valley had been one of the Indians' permanent winter homes. Old inhabitants called it Jalchagua[41] (Helsh-ów Na-wá),[42] which meant "rabbit house." Today the Viejas Indian Reservation occupies the valley just north of highway 80, and the "little table-land" lies open to the full sun on the south where Viejas Creek runs down to meet Sweetwater River.

The Village of the Great Captain.—The expedition was approaching the more familiar back country of Mission San Diego. On the morning of April 20, 1782, they rode for three leagues "along the crest of rugged hills" in the direction of the San Diego River, which Fages called El Arroyo del Valle de San Luís (now El Cajón Valley). They were using a well-worn Indian trail along the south side of Viejas Mountain. Fages said they continued southward[43] all the way to the river. Actually he went south of west, and, in order to get to the river, he had to turn north at about the site of the present Youth Center, west of Alpine.

Here at the mouth of Conejos Creek, Fages "saw a village which they said was that of the Great Captain" (El Capitán Grande), now covered by the waters of the reservoir. Capitán Indian Reservation and Capitán Reservoir still preserve the name. On the right towers the peak formerly called El Capitán, modern El Cajón. The horsemen turned west at the village and pursued their course down the San Diego River. Below the dam the canyon is thickly wooded with oak, alder, cottonwood, willow, and sycamore, and where the valley widens there is a large grove of giant oak trees, now El Monte County Park. Beyond were the mission's grazing lands[44] where Fages said they came upon "three herds of brood mares, and some cattle pasturing, which belonged to the Mission of San Diego."

From the Visita of San Luís to Mission San Diego.—Quoting again from the diary for the same day (Apr. 20, 1782):

> ... Continuing our march along the stream and in the same direction, we arrived, after going four leagues, at the stopping place in the Valle de San Luís, where there was a little village. Here the Indians were milking their cows, and they gave us some of the milk.

San Luís, called by the Indians, A-há Gut-a-móor[45] ("full of water"), was one of the "visitas" of Mission San Diego, and lay on the road used by the padres as early as 1777 while on missionary pilgrimages into the back country.[46] Fages' April 1782 journey was almost over. In his diary he called it the "night before a holiday." Two soldiers were sent ahead "with a message for the reverend fathers of the mission," one of whom was Father Fermín Lasúen. "At about six in the afternoon," the diary continued, "we arrived at the mission where we halted." Fages took pains to note that the fathers extended "every courtesy" to him and his men, and, as though to emphasize his report on the friendliness of the Indians seen the preceding day, he observed that some of those at the mission "who had known me before came very joyfully to see me." It had been eight years since Fages was in San Diego.[47]

After hearing mass the next morning and partaking of the midday meal, the travelers set out for the presidio of San Diego, two leagues distant, where they spent the night and where they were greeted by Lt. José de Zúñiga and his ensign José Velásquez.[48] Fages' expedition was not completed, however, until he reached Mission San Gabriel on

April 25, 1782, from which he sent a special messenger to Gov. Felipe de Neve at Santa Barbara with the information that the commission which the governor had given him at San Gabriel on April second had been fulfilled.[49]

Fages and his soldados de cuera had covered the 150 miles from the site of La Concepción on the Colorado to Mission San Diego in seven days, April 14-20, 1782, having camped six times en route. The last fifty of those miles had been across the Cuyamaca Mountains, along the "road from San Diego" which Fages had opened on his tour into the Imperial and San Joaquin valleys in 1772, and which he traversed three times thereafter.

It has been stated that after 1782 the trail was forgotten and was not used again until 1826, when it became the official mail route from Mexico to San Diego.[50] The reader will recall several instances, mentioned above, indicating that interest in the trail persisted, even beyond Fages' own administration as governor of Alta California, 1782-91. Other documents, etc., could be cited to confirm this interest, but their inclusion would lengthen the present paper beyond the space allotted. One such document only will be mentioned: as late as 1801, Borbón, the viceroy's fiscal, made a report in the form of a history of all the plans that had been made during the period 1781-1801 for keeping the road open. Among them was Fages' "road from San Diego."[51]

Looking back over my study of the Fages trail, eastward and westward, I realize that its implications are bigger than the story of the segment over the Cuyamaca Mountains. Eastward the trail led down into the oasis at Vallecito and through the Carrizo Corridor, where it merged with the Anza trail across the desert. In similar fashion does the story of those that traveled over Fages' "road from San Diego" and its forerunner, the Yuma Indian trail to the Colorado, merge with the story of the greater stream of humanity that flowed across the southwest for a hundred years—the story of the white man's search for a practical overland road to and from California.

NOTES

1. Herbert I. Priestley, ed. and tr., "The Colorado River Campaign, 1781-1782, Diary of Pedro Fages," Acad. Pac. Coast Hist., *Publs.*, III (May 1913), 133-233.

2. H. H. Bancroft, *History of California* [hereafter cited as *Calif.*] (San Francisco, 1884), I, 455, 487 (note).

3. *Ibid.*, p. 366 (note).

4. Guy Fleming, interviews, 1950-53. Mr. Fleming of the Torrey Pines Reserve, San Diego, long familiar with the history and geography of the Cuyamaca-Anza Desert historical area, suggested early in my study that Fages may have gone over the Cuyamaca Mountains. Mr. Fleming followed my studies with interest and made valuable suggestions.

5. Guy Fleming, Granville Martin, Irving Lee Palmer, Harvey Moore, Jeff Swycaffer, Charlie Ellis, Tom Lucas, Everett Campbell, Westley Beadle.

6. George W. Beattie, "Reopening the Anza Road," *Pac. Hist. Rev.*, II (March 1933), 52-53; Hero E. Rensch, *Historic Spots in California: The Southern Counties* (Stanford Univ. Press, 1932), pp. 196-97. Credit is due to Dr. Beattie for my statements, as he graciously allowed me to read his then-unpublished manuscript, 1931.

7. Henry R. Wagner, tr., *Letters of Captain Don Pedro Fages and the Reverend Presidente Fr. Junípero Serra at San Diego, California, in October, 1772 ...* (San Francisco, 1936), p. 2; Herbert E. Bolton, *Anza's California Expeditions* [hereafter referred to as *Anza*] (Berkeley, 1930), I, 37.

8. Herbert E. Bolton, "In the South San Joaquin Ahead of Garcés," *Calif. Hist. Soc. Quarterly*, X (Sept. 1931), 212-19 *passim.*

9. Bolton, *Anza*, I, 147; II, 339, 369-70.

10. A. R. Johnston, "Journal ...," 30th Cong., *Ex. Doc.* 41 (Washington, 1848), p. 612.

11. Bolton, *Anza*, I, ix.

12. J. D. Arricivita, Crónica Seráfica y Apostólica ... (Mexico, 1792), pp. 491-514; Bancroft, *Calif.* I, 353-71; Priestley, *op. cit.*, *passim;* Charles E. Chapman, *History of California: The Spanish Period* (New York, 1923), pp. 330-51.

13. Rensch, *op. cit.*, p. 10.

14. Bancroft, *Calif.*, I, 367.

15. *Ibid.*, pp. 369-70; Priestley, *op. cit.*, pp. 211, 213, 219. A check on the Fages manuscript which Priestley used shows that he followed it in the spelling of Tueros. Bancroft, *ibid.*, p. 366, spelled it "Fueros."

16. Priestley, *loc. cit.;* Bancroft, *ibid.*, pp. 369-70, 383, 384.

17. Bancroft, *Calif.*, I, 454-55, 454 note; José Velásques, ". . . Diario," San Diego, April 27, 1785 (manuscript, in Spanish, Bancroft Library, Provincial State Papers, V, 188-210); also his "Diario y Mapa de un reconocimiento desde S. Diego, 1783," *ibid.*, IV, 404-408.

18. The site of La Purísima Concepción is on the Yuma Indian reservation where Fort Yuma was established in 1850, 1852, and where the school for Indian boys and girls stands today.

19. Bolton, *Anza*, II, 82, 86. That is, the "mountain Indians" living between San Sebastián and San Gregorio were Cajuenches, who spoke "the language of San Diego."

20. Priestley, *op. cit.*, pp. 205-211. Pachula, his son and two other natives did accompany Fages from San Sebastián on March 15 to April 1, 1782, all the way to San Gabriel. Fages commented in his diary almost daily that "Pachula and his three natives continued to follow."

21. William P. Blake, *Report of a Geological Reconnaissance in California ... 1853* (New York, 1858), p. 122.

22. W. H. Emory, *Notes of a Military Reconnaissance from Fort Leavenworth, in Missouri, to San Diego* ... (Washington, 1848), pp. 103-104.

23. Velásques, "Diario," 1785 (note 17 above), p. 204.

24. Johnston, *op. cit.*, p. 611.

25. Chas. J. Fox and H. J. Willey, *Map of the County of San Diego, 1883* (New York, 1883); H. L. Ryan and T. H. Humphreys, *Map of San Diego County* ... (Lith., H. S. Crocker & Co., San Francisco, 1889).

26. Charles E. Chapman, *The Founding of Spanish California* (New York, 1916), pp. 428-30.

27. Benjamin Hayes, "Emigrant Notes," V, 1894 (manuscript, Bancroft Library); Blake, *op. cit.*, p. 107; James Ruler Lassator, San Diego County assessment papers, 1854-63 (manuscript, Junípero Serra Museum, San Diego).

First mention of the house at Vallecito was by Blake, who wrote in his journal, Dec. 2, 1853, that his party "reached Vallecito in the afternoon and encamped near the springs and adobe house." He made a common error in speaking of the house as "adobe."

28. Johnston, *op. cit.*, p. 611 (entry of Nov. 29, 1846).

29. Pedro Fages, "Suplemento Noticia del Estado que Guardan las Misiones de California y Monterey, 1775," tr. and ed. by Edith Johnston, May 28, 1926 (manuscript, Calif. Hist. Soc.).

30. Everett Campbell, interview, April 23, 1950.

31. Fages, born in Catalonia, Spain, used (diary entry for April 19) the word alisos, Spanish for alder trees. Spanish for sycamore is sicómoro. Fages definitely meant alder trees, not sycamores.

32. Granville Martin, interviews, Sept. 1953. I am indebted to Mr. Martin for the solution of this part of the route. A Descanso rancher and rider of the mountain trails, he re-discovered the old Indian trail, hidden under acres of well-nigh impenetrable chapparal, while hunting in 1942 for cattle that had strayed.

33. Isaiah Churchill Woods, *Report* ... *United States Overland Mail Route* ... *1858* (Washington, 1858), p. 32; [Hayes], *Exceptions to the Survey of the Cuyamaca Grant* (San Francisco, 1873), *passim; United States Patent Map, 1874*, Hall of Records, San Diego. Lassator's step-son, John Mulkins, continued to use the road after Lassator's death in Jan. 1865.

34. An historical monument should be placed at this site to commemorate the Fages trail, his "road from San Diego," 1772, 1782, 1785; and the U. S. mail trail used by the army and the San Antonio-San Diego mail carriers, 1854-61.

35. U. S. land claim, S.D., no. 124, Sept. 28, 1855, p. 39, deposition of José Joaquín Ortega; *ibid.*, Jan. 20, 1857, deposition of José Antonio Carrillo; A. St. Clair denver, San Diego *Union*, Sept. 9-16, 1873.

36. [Hayes], *Exceptions* ..., *op. cit.*, p. 60. Testimony of Joseph Swycaffer (Sweicaffer); John B. Hinton, "Reminiscences of Arizona and California, 1853-1868" (manuscript, Huntington Library).

37. Martin, interviews, Sept. 1953; Augustín Olvera, *Diseño o la diagrama del paraje Sierra de Cuyamaca, 1846.*

37a. Martin, note 32 above; Woods, note 33 above, *passim*, and also [Hayes], *Exceptions* ..., *passim; Texas Almanac*, 1858-59; Lassator, note 27 above.

38. Irving Lee Palmer, interviews, Sept. 1953; Martin, interviews, Sept. 1953.

39. Olvera, *op. cit.;* El Portesuelo (the gateway) was the name used on the Diseño.

40. Calif. dist. court 17, San Diego, case no. 52, Sept. 1860; Palmer, "Landmarks aid retracing stage route from plaza at Old Town to Arizona . . ." San Diego *Union,* Aug. 1, 1937.

41. Book of baptisms, Mission San Diego, 1809-1810, *passim;* Rensch, "Indian Place Names of Rancho Cuyamaca," 1950, p. 36 (manuscript, Calif. Hist. Soc.).

42. See Mary Elizabeth Johnson, *Legends of the Cuyamaca Mountains* (San Diego, 1914), *passim.*

43. Bolton (note 8 above), p. 214. Bolton's comment on Fages' directions in the south San Joaquin would apply here: "When he says south he usually means southeast," or, in this instance, south of west.

44. This area became Rancho Santa Monica (or El Cajon), granted to Maria Antonia Pedrorena in 1845.

45. Edward Davis, Indian place names, list, 1945 (manuscript, Junípero Serra Museum, San Diego).

46. Zephyrin Engelhardt, *Mission San Diego* (San Francisco, 1920), pp. 139-40; also his *Mission San Luis Rey* (San Francisco, 1921), pp. 3-5.

47. Bancroft, *Calif.*, I, 486-87 (note).

48. The same José Velásques referred to above, who later kept the diary of the Fages expedition of April 1785.

49. Priestley, *op. cit.*, pp. 229-33.

50. Bancroft, *Calif.*, III, 14 (note); Beattie (note 6 above), pp. 70-71.

51. Borbon, "Parecer," A.P.C.H., Provincial State Papers, XVIII, 37-44.

A Forgotten Exploration

In Search of a Route across the Sierra Nevada for the Pacific Railroad

By STEWART MITCHELL

In October, 1853, an auxiliary expedition under Major Ebbetts and Lieutenant Moore, crossed the Sierra Nevada, entering between the north and south forks of the Stanislaus. They reached an elevation of 10,000 feet, passing by the south end of Walker Lake, with the object of discovering a railroad route, but found this utterly impractical.[1]

In this brief manner Bancroft records the story of an exploring expedition which, in many respects, is as interesting and worthy of record as the stories left us by better-known explorers. It is true, as Bancroft says, that the expedition failed in its primary purpose, which was to find a practical route for the transcontinental railroad. Nevertheless, the records left by members of the party add materially to our knowledge not only of a portion of the west then almost unknown but of certain events related thereto.

The expedition was under the command of "Major" John Ebbetts, a well-known "mountain man"; Lieut. Tredwell Moore was the engineer, and George H. Goddard the assistant engineer.[2] It was sponsored by a group of San Francisco citizens, who had formed the Atlantic and Pacific Co. for the purpose of constructing a railroad across the Sierra to connect with the much-talked of Pacific Railroad from the east. On returning to San Francisco from their travels, Major Ebbetts and Lieutenant Moore met with a committee of the sponsors and reported the results of the exploration. Their report, consisting mainly of Major Ebbett's diary, was published in the San Francisco *Herald* of December 19 and 20, 1853.

Among the reasons for the organization of the exploring party and the charting of its course, was the fact that young and enterprising communities of gold rush California needed material and supplies which could only be obtained from the other side of the continent. Furthermore, they wanted a faster and more comfortable means of traveling over mountains and plains than the ox-cart or the crowded ship by which they came to California.

By 1850, the steam railroad had proved its superiority as a rapid and economical method of transportation. Railroad tracks extended as far west as Chicago, and it required no great stretch of the imagination to visualize a track extending from there to the Pacific coast. Besides, the economic and political conditions of the times were such that the need for a transcontinental railroad was evident to every one, including congress. But because of sectional rivalry and political jealousy, federal aid for the project was not forthcoming; it took a civil war to bring it about.

On one point proponents and opponents were agreed, namely, the need for better information on the country through which a railroad must be built. Consequently, in 1853 congress passed an act providing for "a careful reconnaissance of the various proposed routes for a railroad from the Mississippi Valley to the Pacific Ocean." Several routes were explored and reported upon by war department engineers; of these, only one entered California north of the Tehachapi Mountains, and that one was in the vicinity of Honey Lake.

The citizens of San Francisco and other cities of northern California liked neither this proposed location for the railroad nor the continuing lack of action on the part of congress. They were determined not to wait upon the federal government but to do something for themselves. A preliminary meeting was held in San Francisco on August 24, 1853,[3] at which an organization was formed to carry on the work of getting construction under way. It was said that the great difficulty in the way of the enterprise had been the unexplored character of the country, but "it has been at length ascertained that a road can be built through Walker's Pass and a number of other passes." This statement was more wishful than factual.

An executive committee, appointed at this meeting, met on September twentieth and heard a report by T. C. Hambly, San Francisco attorney and chairman of the committee on explorations.[4] Hambly stated that the chief sources of knowledge on the topography of the Sierra Nevada were the mountaineers and trappers, who had hunted along it from "Carson's River to Walker's Pass," and that such knowledge was not very definite.

At the next meeting, called by the executive committee for October third and held in the First Congregational Church on the corner of California and Dupont streets,[5] the funds already subscribed were reported to be only enough to send out two small parties, and it was proposed that they explore the following routes:

1. Toward the head of the Stanislaus, penetrating the Sierra at the "most available point." Then 200 miles or more out on the eastern slope returning, if possible, via the headwaters of the Tuolumne.
2. Passing out upon the headwaters of the Merced River, then east as far as expedient and attempt to return via the headwaters of the Fresno or San Joaquin, "which here runs from the north, more than overlapping the headwaters of the South Fork of the Mokelumne [Tuolumne?] which runs in a contrary direction."

This meeting—or convention—lasted three days and was attended by delegates from most of the larger communities of northern California, including such well-known persons as Samuel Brannan, William Neely Johnson, and J. H. Nevitt (who was to be prominently connected with the Placerville wagon road). F. W. Macondray, commission merchant, civic leader, and a proponent of the Pacific Railroad, was the spokesman for San Francisco. The convention listened to a discussion of cost and the ways of financing the project; but, because of the suspicion and rivalry over a location for the railroad terminus pervading the meeting, little or nothing was accomplished. In an editorial on October fifth, the *Alta California* felt that the meeting was run by a "clique"; three days later, the Sacramento *Union* said the whole convention was a farce. However, the failure of this meeting or the success of later efforts to promote a Pacific railroad is another story; we are concerned only with the exploration which resulted from the events just described.

The San Francisco *Herald* of October 3, 1853, reporting on progress in connection with the proposed railroad, stated: "They have dispatched two exploring and surveying parties to the other side of the Sierra Nevada Mountains to make a reconnaissance of the various routes proposed, the passes already known and to seek for others." This was certainly a large-sized order. The *Alta California* of October fourth said there was money for only two parties and that "one has gone today, and the other will soon leave." Major Ebbett's diary shows that the first party was completing its organization in Stockton on that date, and that it left here on October seventh. The second party, if it ever started, seems to have left no record of its travels.

The routes chosen for the exploring parties appear rather strange in the light of present-day knowledge. When the parties were being organized, the stated purpose was to locate a route between San Francisco Bay and the Virgin River; Ebbetts, in concluding his report, says "to a point called Las Vegas [meadows] de Santa Clara." These meadows on the old Spanish trail in Utah, just to the north of St. George, are in about the same latitude as San Francisco, which called for a crossing of the Sierra as far south as was then thought practicable. Other than its being in about the same latitude as San Francisco, no reason is known for choosing the "Vegas" as a terminus of the exploration. The explorations and recommendations of Joseph Walker, and particularly those of Capt. Randolph B. Marcy, for a transcontinental railroad in the vicinity of the 35th parallel, were well known and may have had an influence. The *Alta California* of September 10, 1853, refers to a letter from Marcy to the "Memphis Convention" which set forth the advantages of a route for the railroad along the Gila River and, possibly, through Walker's Pass. Furthermore, his explorations were discussed at the preliminary meeting in August, mentioned above.

As to the practicable routes across the Sierra those which the two exploring parties were to follow indicate that no crossing south of the headwaters of the San Joaquin, or the Fresno River was considered feasible. It was known that Joseph Walker's party had crossed via the headwaters of the Tuolumne in 1833, and that the Bidwell-Bartleson party had crossed at the headwaters of the Stanislaus in 1851. It is probable that little thought was given to the difficulties that were encountered in traveling these routes, and it seems evident the problem of snow-removal at such high elevations was not given much consideration. Ebbetts himself crossed the Sierra in 1851, via the headwaters of the Mokelumne River and the East Carson. From his diary and the comments made subsequently by Goddard, it seems evident that they believed, at least for a time, that the pass he had discovered was the lowest and best for a railroad.

We are able to follow the route taken by the exploring party very closely with the aid of Britton & Rey's *Map of the State of California*, published in 1857. Based on information compiled by Goddard from federal and state surveys and explorations, and from his own private surveys, the map is remarkably accurate for that time; and, although on a relatively small scale, "Lieut. Moores Route — 1853," can be reproduced from it on a present-day map within fairly narrow limits. *Degroots Map of Nevada*, published by Warren Holt in San Francisco in 1863, also shows "Lieut. Moores Route — 1853" from "Fremonts Trail" southeast of Walker Lake to its terminus at "East Camp," and seems to have been taken from Britton & Rey's map. Holt's later map, dated 1866, shows "Degroots Trail," apparently to the east of Last Chance Range and connecting with the easterly end of Lieutenant Moore's trail. Goddard appended a log of the route between Stockton and the party's last camp on the West Walker River (Smith Valley), to his report of December 1855,[6] which covered a survey of the eastern boundary of the state opposite Carson Valley, together with a reconnaissance of the old Carson and Johnson immigrant roads.

Leaving Sonora, the expedition followed, with minor deviations, the route of the "Sonora Emigrant Road." The passage of wagons over this so-called "road" during 1853 was the result of over-zealous efforts on the part of citizens of Sonora to entice a part of the immigration their way. It is told that a representative was stationed at the sink of the Humboldt whose persuasive distortion of facts induced two or possibly more wagon trains to turn aside from the fancied trials and dangers of commonly traveled routes. The trail turned south to the Walker River, which it followed to the headwaters of the West Walker. Crossing the main summit into what is now known as Emigrant Meadow, and then over a second divide into the valley of Summit Creek, it followed along that stream (which Goddard calls the Middle Fork of the Stanislaus) to its junction with Relief Creek. Then, climbing to "Upper Relief," it followed down the ridge past Birth (Burst) Rock to Strawberry Valley, near present-day Pinecrest. From there to Sonora the trail followed, with local deviations, the lines of state route 108.

The suffering and losses endured by the wagon trains that followed this route are evident from the comments in Ebbetts' diary and other records. However, it was considered a passable way for pack animals, and it is not strange that the exploring party chose to follow it across the Sierra. At Pickle Meadow, the Sonora trail turned north; the reason for following it, instead of continuing easterly down the Walker River and along the present route in the desired direction toward Bridgeport, was probably influenced by Ebbetts' desire to examine again the route he had previously taken across the Sierra to Antelope Valley. The diary states how Ebbetts pointed this pass out to Goddard, and that they thought it to be some two thousand feet lower than the summit they had just crossed.

Leaving Antelope Valley, it was natural for the party to continue down the Walker River and follow the emigrant road until it turned north, after crossing a low gap through the hills which border Smith Valley on the east. From Britton and Rey's map, it appears that the emigrants coming down from the north crossed into Smith Valley through this gap (which is plainly visible from the highway [Nev. 3] east of Wellington), instead of following the route of the present highway through rugged Wilson Canyon. The party then struck out in an easterly direction for Walker Lake, crossing en route the East Walker River and the Wassuk Range. After scrambling along the steep hillsides of the Wassuk Range along the west side of the lake, they followed in a general way the present route of U.S. 95, via Hawthorne, Luning, Mina and Rhoades Salt Marsh to Coaldale on the border of the Columbus Salt Marsh.

Here, at the end of October, water for men and animals had become a serious problem, which evidently prevented the party from taking an easterly course along U.S. 95 toward Tonopah. As Ebbetts says, they were "obliged to go to the southward and westward of our course, to reach the base of the Snowy Mountains." This took them into Fish Lake Valley, down which they traveled along the eastern base of the White Mountains, the source of several running streams. At the southern end of the valley they evidently camped on Cottonwood Creek, in the vicinity of the present Oasis Ranch. From the description of their route, "down the valley several miles, crossing at a low pass in the divide of this valley from the next," they crossed into Eureka Valley. Then, continuing down this valley for some twenty miles without finding a sign of water, they turned in desperation and crossed the Last Chance Range to the east, which would bring them into the north end of Death Valley. While descending the east slope of the range they observed signs of water, which, judging from Britton and Rey's map, took them in a northerly direction, probably to one of the creeks or springs located to the west of Magruder Mountain, southwest of Lida. The exact route taken on the last day's journey of some 23 miles is uncertain. Ebbetts' impression "for keeping down this valley, south of east . . ." must refer to Death Valley; but, since their route was east, or a little north-of-east, and he and Lieutenant Moore had a "view into the next basin" before turning back, it is probable that they traveled either up Oriental Wash or the country to the north of it, and that the basin they saw was Sarcobatus Flat through which highway U.S. 95 now runs.

Out of water and their mules dying or being killed by the Indians, the party retraced its steps, avoiding the trip through Eureka Valley by following a route through the canyon of Willow Creek, from which they had turned on their outward journey November sixth. This brought them directly to the southern boundary of Fish Lake Valley, and, retracing their previous route with slight variation, they again reached Walker Lake. Following up the Walker River to the bend, they crossed over to the Carson River, again following the emigrant road which is also Frémont's old trail. On reaching the Carson River, they took the main emigrant trail past Gold Canyon (Dayton) into Carson Valley, and camped at "Holladay's Station, in the valley near the base of the Sierra"—a short distance to the north of Mormon Station (later named Genoa).

Ebbetts and Lieutenant Moore decided to cross the Sierra, in spite of the snowfall while they were camped in Carson Valley; Goddard had decided to remain in the valley for the rest of the winter. With but a few animals, the two men crossed over Daggetts Pass (the present Kingsbury grade) and struck "into the wagon road called Johnson's Cut Off," which they followed to Placerville without any difficulty. Continuing on to Sacramento, they took the steamer for San Francisco where they arrived on December 10, 1853. Goddard crossed later that winter.

THE SONORA EMIGRANT ROAD

The trail which the exploring party followed as far as Smith Valley in Nevada does not merit the term "road," if we mean a route suitable for wagons. In 1853 a few wagon trains did attempt it, but the remarks in the diary for October thirteenth, fourteenth, and nineteenth indicate its shortcomings as a wagon road. One such trip over the Sonora trail was described in *Hutchings California Magazine:*[7]

> The passage of this emigrant train, which forced its way through this almost impassable section of the Sierra Nevadas in 1852 [*sic*] was one of peculiar hardship and suffering.... They followed the ill-judged advice of a few persons from Tuolumne County, who went out and met them at the Sink of the Humboldt, and at the junction of the old emigrant road with the Carson River, thirty-five miles west of the Desert, a large train with a vast amount of stock struck off to the south, following up Walker's River, and crossed the mountains at the source of its western branch. Much of their road, after getting into the mountains, they were compelled to make.... At one place a few miles to the east of the Summit, they were forced to drain down some three or four feet of a small lake to enable them to ford it on one side—it being utterly impossible to go around it; and such was the nature of their trials for near one hundred miles, occupying so much time their provisions gave out, when they sent an express through to Columbia and Sonora for relief....

Light is cast on the experiences of immigrants using this route by a letter written on September 17, 1853, by the mayor of Sonora, G. Washington Patrick, from a camp on the Carson River: "... The route from here to our city is thronged with immigrants.... I hope that the citizens of our city will now take an interest in sending forward provisions...." The *Alta California* of October 3, 1853, says that provisions in charge of Mace Douglass, accompanied by Capt. McCall, proceeded to "Hog Valley" on the Walker River. (No clue to the location of this valley has been found; it could be Walker Meadows on the West Fork, or, perhaps, Leavitt Meadows.) Some four weeks later (Oct. 31), the *Alta* reported as follows:

> IMMIGRATION BY THE SONORA PASS.—Mace Douglass, who has been stationed at Relief Camp, under the summit, on the side of the Sierra Nevada, since the 25th of September, informs us that since that time 475 wagons, 1900 souls and 15,000 head of cattle have passed. Many passed before he arrived there. He left on Thursday the 30th of October, at which time it was snowing, and probably now the mountains are covered with snow. The last emigrant train had passed before he left, so that there will be no suffering on this route (Sonora *Herald*).

A list of wagon trains on the road, "as furnished by Rolands Express," included the Duckwall party (2 wagons, 10 souls) and the Wash Traynor party (6 wagons, 30 souls) among the 34 trains mentioned, which comprised a total of 485 persons, 135 wagons, 3114 cattle, besides the horses and mules.

Gov. John Bigler's message to the legislature of 1855 contained, under the heading "Agriculture," a statement of the number of beef cattle arriving in the state "by the overland route" and "within the last year." It is said to be based on counts by persons having ferries en route, and apparently refers to the summer and fall of 1854. No mention is made of trains or wagons, but the figures are of interest for comparing the popularity of the Sonora with other passes: Nobles Pass, 24020; Beckwiths [*sic*] Pass, 10151; Gila route, 9075; Sonora Pass, 5106; Carson River route, 12910.

A definite conclusion as to the amount of travel over the Sonora emigrant route cannot be drawn from the information presented, containing as it does conflicting statements as to dates, apparent discrepancies and exaggerations as to conditions on the route, and confusion as to the location of the "Relief Camp." It may be surmised that a number of wagon trains used it during the season of 1853, that it was used by pack trains and persons on horseback for a short time after 1853 and perhaps before, and that it was always a hard road to travel.[8] Its use as a trans-

Sierra route certainly ended in the 1860's with the building of the Sonora-Mono wagon road over the Deadman Creek summit, the route of state highway 108.

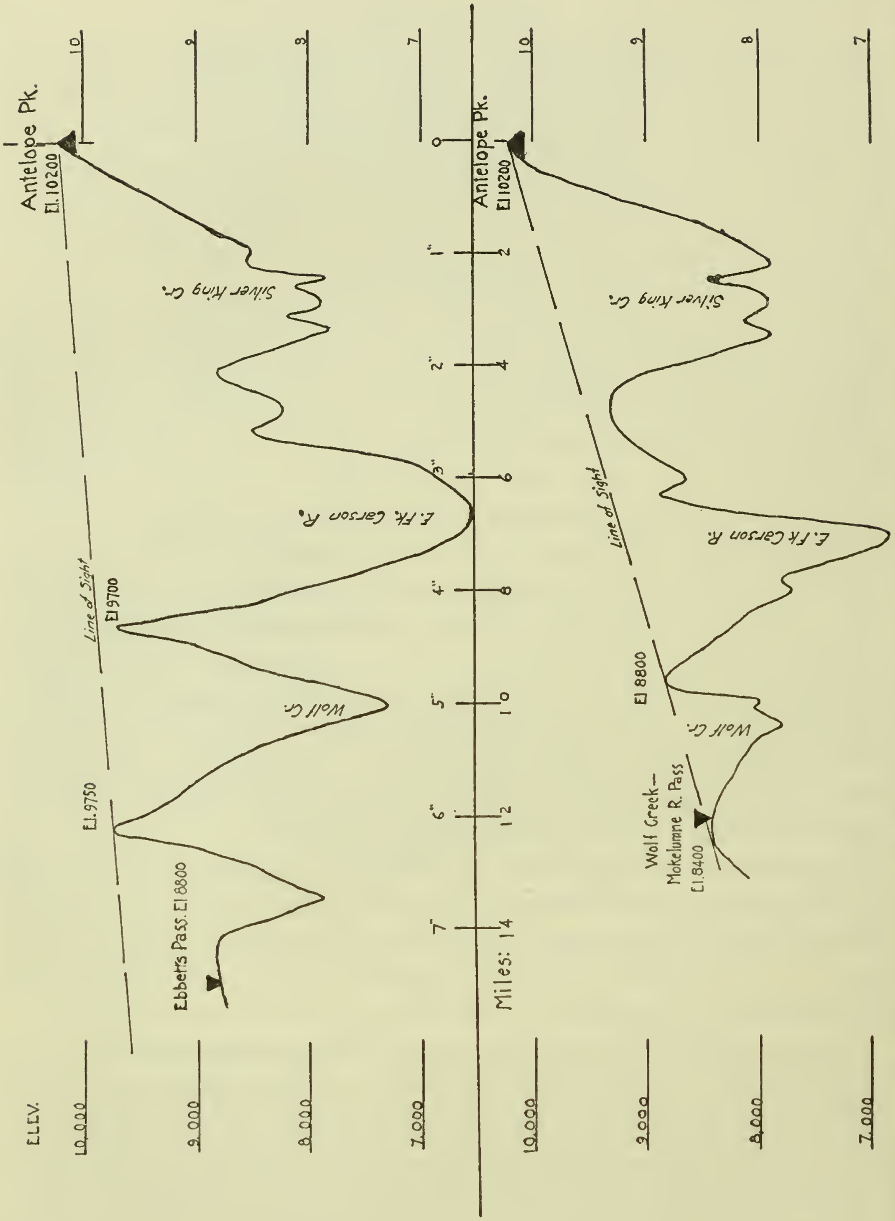
EBBETTS PASS

According to Major Ebbetts' diary, the party camped on October 20, 1853, in the same valley reached by him after he crossed the Sierra in 1850. All were now convinced that the building of a railroad along or near the route by which they had just traveled was impracticable, and that it was necessary to find some other crossing if the expedition was to accomplish its object. It was admitted, however, that to investigate Ebbetts' earlier pass would require time.

The party apparently camped near Lost Cannon Creek at the head of Little Antelope Valley. From here, on October twenty-first, Ebbetts, Goddard and one man ascended "a very steep mountain" which afforded a fine view of the surrounding country. Ebbetts says that the "crossing of the Sierra at this point appears to be some two thousand feet less than at any other point, and it strikes the Moquelumne River some distance down from where it takes its rise in the Sierra, avoiding the greater part of the snows of the high mountains." It is interesting to note that from nowhere in their vicinity, including Antelope Peak (elev. 10200), can the present Ebbetts Pass be seen over the intervening ridges. It is possible, however, to see the pass at the head of Wolf Creek, which is likewise at the head of the Mokelumne and slightly lower in elevation than the present Ebbetts Pass. This is shown by the profile on lines between Antelope Peak and the passes (see Fig.), but the latter pass does not agree with the statement about striking the river "some distance down from where it takes its rise."

Ebbetts was overly optimistic in believing the pass he crossed could be lower in elevation than any other, but apparently he convinced Goddard for the time being of its fancied advantages. Goddard, writing to S. H. Marlette, the surveyor-general, from San Francisco on November 22, 1854, says:

> The pass we called Ebbets' pass (in memory of Major Ebbets who went over it in the spring of 1851, with a large train of mules, and who found no snow there in April,) I believe to be the lowest and easiest of access between the 37th and 39th parallels. It lies a little south of 38 degrees 30 minutes. We saw it at a distance of some ten to twelve miles to the east, from a hill above Walker's river, and were to have returned by it; but on our arrival in Carson Valley, on our return journey, Lieut. Moore and Major Ebbets left me in charge of the mules, and returned to California. It was my intention, when the mules had sufficiently recovered and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Line of Sight
E. Fk. Carson R.
El 8800
Wolf Cr.
Wolf Creek—
Mokelumne R. Pass
El. 8400
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> the weather moderated, to have returned by Ebbets pass; but Lieut. Moore succeeded in getting across the Johnson road so well that he sent me word to push across the mountains at once, by which the exploration of this pass was lost for the time. It appears to be to the north of the headwaters of the Mokelumne.
>
> Should you be in San Francisco I would like to show you a sketch I have of it, as well as the position with respect to the forks of Carson and Walker's river.

Again, in his report to the surveyor-general dated December 15, 1855,[9] Goddard makes the following observation while traveling along the ridge south of Silver Lake on the Carson Pass road, August twenty-ninth:

> We passed over a breccia point of this ridge, which commanded a very extensive view of the mountains to the southeast. Two lofty double headed peaks of the central ridge of the Sierra lay to the east, the southern of which I recognized as that pointed out to me from near Walker's River in October 1853, by my esteemed friend, the late Major Ebbetts, whose untimely end has delayed the exploration of the pass discovered and named after him, and which there is reason to believe is the lowest and most suitable one for the Pacific Railway in the Central portion of California. This pass lies a little to the south of this Butte-like mountain, and is on the headwaters of the main branch of the Mokelumne River. Major Ebbetts with a large prospecting party, had crossed it in the month of April 1850 or 1851, and found it at that season free from snow while the mountains on either side were totally impassable.
>
> I recognized also several other well known peaks, one of which is a lofty castellated peak south of the Sonora and Walker's River Immigrant Road named the Castle Peak, and whose position I had determined when on the railway exploration under Lieut. Moore, U.S.A. in 1853. I availed myself of the present opportunity of connecting the surveys together.

In his later years, Goddard apparently forgot his early enthusiasm for Ebbetts Pass, for, in 1903, he wrote: "It was I who in 1852 first pointed out that any railroad pass from Central California must not be sought south of the Merced River, and again, in 1853, that the Johnson was the lowest of the central passes, and also in 1855 confirmed this opinion by the detailed surveys of the passes themselves."[10]

He states also that a report of the 1853 survey sent to Washington by Lieutenant Moore was never published, and that maps he had prepared to go with his report of 1855 to the surveyor-general were not paid for; hence were never published—which is of interest, since these records might cast further light on the matter.

No immigrant wagon road ever crossed the range via the present Ebbetts Pass. A stage road was completed over the pass to the Silver Mountain mining area in September 1863. The emigrant road from Murphy's, frequently referred to as the Big Trees Road, was used quite extensively during the year 1857. It turned north at Hermit Valley, crossing the divide via Blue Lakes, Charity and Faith valleys to reach the Carson road in Hope Valley.

The Whitney survey,[11] while in Hermit Valley, had this to say about the situation in 1863:

> [p. 443] A good wagon road was then constructing from the Big Trees across to the town of Silver Mountain, and which was to connect with the mining districts near Aurora and Virginia City.
>
> [p. 446] Hermit Valley is 7259 feet above the sea-level according to our measurements, and the snow is said to accumulate here in the winter to a very great depth, owing to its great elevation and sheltered position with high mountains on all sides. The road forks at this point, the old emigrant road, by way of the Big Trees to Carson Valley, going off to the north across the "Old Carson Pass" into Hope Valley; the other road leads over to Silver Mountain. In 1863 this was a simple trail, and it crossed by the route designated on Britton and Rey's map as "Ebbetts Pass;" this name is, however, one no longer known in that region, as we could find no one who had ever heard of it. In 1863 a new wagon road was building, by a different route, following up the Mokelumne a short distance, and then striking across the water-shed between that river and a branch of the east fork of the Carson, a little to the east of the old trail. The new pass was stated, by the engineers of the road, to be 1656 feet above Hermit Valley; this would make its elevation above the sea 8915 feet, while the summit of Ebbetts (?) Pass, on the old trail, was found to be 8793 feet above sea-level.
>
> [p. 447] A little below the summit of the pass, on the old trail, there is a very well-marked cone rising to the height of about 800 feet, and entirely surrounded by granite.

William H. Brewer describes the conditions in August 1863 while passing through Hermit Valley and over Ebbetts Pass to Silver Mountain, and back along the pack trail then in use. Quoting from his journal:[12]

> Recent reputed discoveries of silver ore at Silver Mountain, just east of the crest, on the headwaters of the Carson River, near Ebbetts Pass on your maps, has caused much excitement. An old emigrant road over the mountains, via the Big Trees, runs within ten or twelve miles of it, and now, suddenly, travel is pouring over this route. A stage runs part of the way, until the road becomes very rough; then a "saddle train," with a few pack animals, takes the passengers and their luggage to the promised land. So horses in these mountain valleys all at once become important, and at Silver Valley [Lake Alpine] the stages stop and saddle trains start.

Brewer's other remarks confirm and amplify to some extent those in the Whitney survey report.

It is likely that Ebbetts Pass or any other pass at the head of the Mokelumne River would have remained a mountain trail except for the mining excitement at Silver Mountain. The route's historical interest lies in the fact that, possibly because of its location on a direct line between Salt Lake and San Francisco Bay, earlier travelers headed in its general direction until local developments established other and better routes farther north. For example, Jedediah Smith, Joseph Walker, and the Bidwell party were attempting to follow this line as closely as the topography or physical features made it practicable for them to do so. Smith or Bidwell may have crossed at the head of the Mokelumne, although there are arguments to the contrary.

(See below, pages 222-27, for resumé of exploration, October 7–December 10, 1853.)

CHRONOLOGY AND GEOGRAPHY IN BRIEF

October 7th. The party, after leaving Stockton at 8:00 AM, probably traveled in the general vicinity of the present road to Farmington and camped somewhere near its site.

October 8th. Keelers Ferry was located a short distance below the Knights Ferry bridge on the Stanislaus River. It was near the vertical cliffs, which are one of the many known as "Lover's Leap."

October 9th. The party probably camped on Sonora Creek above the town of Sonora.

October 10th. From Goddard's log of the route it is evident that the party followed the road then traveled by way of Bald Mountain Pass and camped in the valley of Sullivan's Creek where the Phoenix Reservoir is now located.

October 11th. At this time, the traveled way was up Sullivan's Creek to near Sugar Pine; it then followed the ridge on which the present state highway is located. Near the head of Sugar Pine Creek, they descended to the North Fork of the Tuolumne, and very likely camped in Browns Meadow (USFS map of Stanislaus NF 1941). This is called "Bradfields" on the Big Trees quadrangle of the USGS (1901), it being the site of Bradfield's saw mill, the road to which is mentioned in the Wheeler survey.

October 12th. After returning to the ridge, the party came to "Strawberry Flat" (Goddard) and camped "on the same stream we were the day previous" (Ebbetts). This placed the camp on the North Fork of the Tuolumne near present-day Pinecrest. A station called Strawberry, on the South Fork of the Stanislaus, is on the Sonora-Mono stage route, which crosses the present Sonora Pass some eight miles north of the emigrant road.

October 13th. The party is traveling up the ridge south of the South Fork of the Stanislaus. Their camp "in a small flat, surrounded by granite rocks" (Ebbetts), at "Blue Lake" (Goddard), is apparently in Lake Valley at the head of the Clavey River just east of Birth (Burst) Rock.

October 14th. Ebbetts says they passed "the relief camp" without noticing it, and camped three miles beyond it "in bad and scanty feed." Goddard apparently recognized "Relief Valley," since he records its elevation. He places the camp on the "Middle Fork Stanislaus" now called Summit Creek.

October 15. The camp, in a valley with "small lakes in it and vicinity" (Ebbetts) and "on lake flat of Tuolumne" (Goddard), is evidently in Emigrant Meadow.

The trail crossed the divide between the Stanislaus (Summit Creek) and the Tuolumne (Cherry Creek), which Goddard refers to as "Breccia Pass" at the "Head of Middle Fork." (The valley of Summit Creek lies in a contact plane between dark volcanic mountains on the north and light-colored granite mountains on the south; at the pass, the volcanic rock [breccia] overlies the granite.)

October 16th. Two miles would take the party to the main divide separating the waters of the Tuolumne from those of the West Walker. The camp, a short distance beyond the summit, could be in one of the many upland meadows. There are evidences that some emigrant trains crossed the summit just north of Grizzly (Gunsight) Peak, traveled down to Emigrant Lake, and then crossed over to Summit Creek about Lunch Meadow. The present trail crosses the summit through a swale about one mile further to the north.

October 17th and 18th. Two days are spent in exploring the crest of the Sierra, first to the north and then to the south of the camp. It was evident to the leaders of the party that no practicable railroad crossing existed in this vicinity.

October 19th. Down the east side of the Sierra, the party finds the going good for a short distance through the upland meadows. Then, while going down the steep ridge between the West Branch and the main river, they "commenced descending some of the worst mountains imaginable." The present-day horse trail zigzags down the ridge to the Walker River from a point just above Frémont Lake, and then follows the east bank of the river to Leavitt Meadows. The emigrants were forced to climb straight up the ridge past the lake through brush, trees, etc. The "large valley with excellent grass" in which the party camped "on flat of Walker's River" (Goddard) was apparently at the upper end of Leavitt Meadows. (Named for Hiram L. Leavitt, who built a hostelry there in 1863.)

October 20th. Judging by Ebbett's remarks and from a later account, the road between Leavitt and Pickle Meadows did not follow the river-valley bottom as the Sonora-Pass road now does. Ebbetts indicated he had been in Pickle Meadow before and was acquainted with the road, which here turns to the north and crosses a divide into the valley of Lost Cannon Creek. Goddard refers to the location of the camp as "On West Creek," which probably refers to Lost Cannon Creek.

October 21st. From this camp, Ebbetts and Goddard climbed "a very steep mountain with great fatigue." The highest peak in this vicinity, affording a fine view of the whole surrounding country, is Antelope Peak (el. 10200).

October 22nd. The party traveled through Little Antelope Valley, and, "crossing some low hills" into the main Antelope Valley, continued down the West Walker River. They camped "opposite the low pass to Carson River and valley," which pass is now traversed by U.S. 395. This camp would be just to the south or southeast of Topaz Lake, at that time an intermittent alkali lake. (Present reservoir formed by diversion of water from West Walker River in 1923.)

October 23rd. The route traverses the river canyon into Smith Valley. Apparently the emigrant road followed the river, whereas the party crossed the valley somewhere near the route of the present highway between Wellington and Wilson Canyon.

October 24th. The emigrant road, as Britton and Reys map indicates, turned south from Wilson Canyon and crossed a gap in the hills (which can be easily seen from the west, while crossing Smith Valley). They then left the emigrant route, which continued north through Mason Valley, and struck off on an easterly course toward the East Walker River.

October 25th. Leaving camp on the East Walker, the party continued in an easterly direction and crossed the Wassuk Range to Walker Lake. It is probable that they crossed through what was later called Reese River Canyon. This canyon now is located to the north of the lake, the surface of which has been lowered some 80 feet during the past 45 years, due to diversion for irrigation and water supply. The party camped shortly after reaching the lake, and before reaching the first of several streams which flow into the west side of the lake from the Wassuk Range.

October 26th. In traveling down the west side of the lake, the party came to the point where the present highway is carved in the steep slopes of spurs that project into the lake. (The present highway, U.S. 95, along the west shore, was completed in 1932; before then the road, as well as the Carson and Colorado Railroad, were located along the east shore.) The party was forced to climb above the steep slopes, and were overtaken by darkness before they could descend again to the lake—their camp probably being on Dry Creek.

October 27th and 28th. The party continued along the west shore and around the southerly side of the lake, passing the site of Hawthorne. The "fine, clear stream" reached at midday is probably Cat Creek, which now supplies water for the naval depôt at Hawthorne. Some five hours later, they camped in the westerly portion of Soda Springs Valley.

October 29th and 30th. Continuing along in the vicinity of the present highway through Soda Springs Valley, they passed where Luning now stands and found water, perhaps near the site of Mina or Sodaville. The reference to being in sight of mountains with snow on them, which they take to be "the range laid down by Frémont, as running east and west," apparently refers to a "dividing ridge" shown on the Preuss map of 1848, which divides the country to the north of Owens River from that to the south—then part of New Mexico. Frémont could have seen the peaks of the White Mountains while he was crossing the northern end of Soda Spring Valley, and could have thought that they ran east and west. Goddard, having learned otherwise, has shown them more correctly on Britton and Rey's map. The party camped at a spring, and discovered another one some seven miles farther on. From the mileage given in the diary, it would be reasonable to assume that the camp was near the site of Mina. However, mileages are not too dependable, as the trials encountered during the day have a considerable effect on the figure. Furthermore, attempting to correlate springs, discovered by the exploring party, with subsequent sources of water in the same area, is risky, since their condition may change radically over the years from natural and other causes.

October 31st. The party, following along the easterly border of the Columbus Salt Marsh, would pass the site of Coaldale and the junction of U.S. 95 and U.S. 6. At this point, they decided to deviate from the more easterly route along U.S. 95 toward Tonopah, because of its "more sterile appearance" and their need for water. To get water, they struck out toward the "snowy range," the White Mountains which brought them into Fish Lake Valley.

November 1st to 5th, incl. The party spent these five days traveling down Fish Lake Valley and finally camped on Cottonwood Creek, near the site of Oasis Ranch (first settled in 1864 by the Piper brothers). It also seems that they followed the general location of the old stage road on the east side of the valley, crossing to the west side (where the highway is now located) north of Dyer, in order to reach the streams flowing from the White Mountains.

November 6th. Continuing south from Cottonwood Creek, the party arrived on the divide between Fish Lake Valley and Eureka Valley, coming to "the dry bed of a creek." This is Willow Creek, and through its canyon a trail, and later the Big Pine-Willow Springs-Lida road, was built between the Owens River Valley and the Palmetto and other mining districts. Instead of turning east up the canyon toward Willow Springs the party, unfortunately, decided to descend into Eureka Valley. This valley, called Termination Valley by the Wheeler survey, is noted for its lack of water—having a maximum "degree of desiccation" according to the survey report. The reports of the state mineralogist (vols. VIII and X), which contain a considerable amount of data on the locality, make this statement: "Eureka Valley and the North end of Death Valley are absolute deserts, totally destitute of water and trees, except for gray sage brush and some mesquite. Eureka Valley has its lowest depression at an elevation of 2960 feet above sea level, a playa left by the evaporation of intermittent waters.... In winter the temperature may reach 95 degrees F. during the day and fall to the freezing point before midnight." The interest of the state bureau of mines in the valley was the working of sulphur deposits in the Last Chance Range, for a brief period beginning about 1915. *(Calif. Jour. Mines and Geology,* Oct. 1938). As Ebbetts says, the party was forced to camp in the valley without water or grass, and had but a vague idea of the geography of the country they were in. However, they were certain as to the inadvisability of proceeding farther along their present route.

November 7th. On coming to the bed of a creek, which apparently was some distance south of the location of the sulphur mines, they found it offered a passable way up the slopes of the Last Chance Range. From a point on the easterly side of the range, evidence of water could be seen "some eight miles distant," but "out of our course." From the Britton and Rey map it is evident that they traveled north again to reach the water that might exist in springs in the hills or perhaps in Cottonwood Creek.

November 8th to 11th, incl. The 8th and 9th were spent in camp, to recuperate from the ordeals of the past two days and to seek a route where there was water and feed. At 9:30 AM on the tenth they set out on "an easterly course over a rather heavy road." Ebbetts still says "my own impressions were for turning down this valley south of east". Apparently the prospects of water in the rolling country to the east and in the desired direction were better—or, at least, no worse than in Death Valley. Traveling some 23 miles, they camped where there was grass but no water. On November 11th, Ebbetts and Moore went ahead to explore for "road and water," and had "a view into the next basin." Seeing nothing encouraging, they prudently decided to go no farther, and the party returned to its previous camp on November 8th.

November 12th and 13th. On the return trip, the party traveled through the Willow Springs ("Canyon") Pass and arrived at the point where they had turned toward Eureka Valley on November 6th, a saving of some 25 miles. Retracing their outward route, they camped again on "the Cottonwood Creek" near the site of Oasis.

November 14th to 19th, incl. Following the route of their out-bound journey through Fish Lake and Soda Springs Valley, with some minor "short cuts," the party arrived and camped at the southeast corner of Walker Lake.

November 21st to 23rd, incl. The party probably followed the less rugged east shore of the lake on the return trip, then traveled up the Walker River arriving on November 23rd at the bend of the river.

November 24th. Leaving the Walker River, the party struck out for the emigrant road reaching it in the vicinity of the site of Wabuska. Then following it north they reached the Carson River and the overland emigrant road near the site of Ft. Churchill. They camped some three miles down the river—(evidently not "up" as Ebbetts says).

November 25th to 27th, incl. Continuing west the party camped first at the mouth of Gold Canyon near Dayton, then, probably, at Eagle Ranch on the site of Carson City, and, on the 27th reached Holladay's Station. (A short distance north of Mormon Station and called "Murdocks" on Britton and Rey's map.)

November 28th to December 3rd, incl. Were spent in Carson Valley, making preparations to cross the Sierra.

December 4th. Starting south at 4 PM, Ebbetts and Moore, with what was left of the party, passed the Mormon Station (renamed Genoa in 1855) and camped near Dr. Daggett's at the foot of Daggetts Pass over the Carson Range. At this time there was only a pack trail over the pass; the first road was built in 1860 by Kingsbury and McDonald and is now known as the "Kingsbury Grade."

December 5th. Crossing the pass to the south end of Lake Tahoe, the trail joined the Johnson "Cut-off" road from Eagle Valley (via Kings Canyon and the later-named Spooner Summit). The party then crossed and climbed to the summit of the Sierra, camping near the site of the old Echo Summit House.

December 6th and 7th. The travelers apparently did not follow the Johnson road up on to the Peavine Ridge, but continued down the South Fork as does the present highway. The distance traveled on the 6th should have brought them near the site of Kyburz. On the 7th, some of them climbed the ridge, possibly from near Riverton to avoid a rugged canyon. They all reached Bartletts bridge, located on the South Fork, just north of the Pacific ranger station.

December 8th to 10th, incl. After crossing the South Fork, the route was through the site of the ranger station and past Fresh Pond to the summit of the ridge. Here was located the junction of the Carson and Johnson roads, whence their road followed the ridge down to Placerville, much as does the present highway.

NOTES

1. H. H. Bancroft, *Chronicles of the Builders* (San Francisco, 1891-92), VI, 2.

2. John Ebbetts, mountaineer and discoverer of Ebbetts Pass, was killed in explosion of steamer *Secretary* in San Francisco Bay on April 15, 1854 *(Alta California,* April 16, 1854).

Tredwell Moore, a native of Ohio, graduated from the U. S. military academy in 1847; first lieutenant, 1851; on duty with 2d U. S. infantry, Fort Miller, 1851-52, whence he led an expedition against the Indians of Yosemite Valley; captain, 1859 . . . died May 29, 1876. See Francis B. Heitman, *Historical Register . . . U. S. Army, 1789-1903* (Washington, D. C., 1903), I, 723; also George W. Cullum, *Biographical Register of Officers and Graduates of the U. S. Military Academy* (Boston & New York, 1891), consult index.

George H. Goddard, engineer, explorer, artist, born Bristol, England, 1817; to California, 1850; Pac. R. R. exploration, 1853; reconnaissance, as in note 6 below; survey of Feather River and Beckwith Pass, 1857; assisted Theodore D. Judah on surveys for Central Pac. R. R.; maps, records, and "many fine canvasses" lost in San Francisco fire, 1906; died Berkeley, Calif., Dec. 27, 1906. See extended biographical account, page 1, Berkeley *Daily Gazette*, Dec. 28, 1906, entitled "Death of Prominent Resident."

3. San Francisco *Herald*, Aug. 25, 1853.

4. *Ibid.*, Sept. 21, 1853.

5. *Ibid.*, Oct. 3-6 incl., 1853; *Alta California*, Oct. 4-6 incl., 1853.

6. George H. Goddard to S. H. Marlette, "Report of a survey of a portion of the eastern boundary of California and a reconnaissance of the old Carson and Johnson immigrant roads over the Sierra Nevada," app. to an. rept., surveyor-gen., Calif., 1855. (App. *Assembly Journ.*, 1856.)

7. "A Trip to Walker's River and Carson Valley" [anon.], *Hutchings Illustrated California Magazine*, II (May, 1858), 494. For additional details on wagon trains entering this area, see *Tuolumne County, California* (Sonora, 1909), *passim;* Edna Bryan Buckbee, *The Saga of Old Tuolumne* (New York, 1935), *passim.*

8. Sacramento *Union*, May 16, 1863; May 6 and Oct. 29, 1864; Sonora *Herald*, Sept. 16, 1869; Carl P. Russell, "Early Mining Excitements East of Yosemite," *Sierra Club Bull.*, XIII (1928), 40-53.

9. See note 6 above.

10. George H. Goddard, "General Description of the Goddard Collection of Pictures, Maps and Materials," Jan. 29, 1903 (copy in state library, Sacramento, presented by A. E. Goddard).

11. Josiah Dwight Whitney, *Geological Survey of California*, I, "Geology" (Philadelphia, 1865).

12. *Up and Down California, The Journal of William H. Brewer*, ed. by Francis P. Farquhar (Yale Univ. Press, 1930; Univ. Calif. Press, 1949), pp. 430-34.

Mission San José – de Guadalupe?

By ROBERT H. BECKER

THERE IS a weathered, hand-painted, black-and-white sign over the one remaining building of Mission San José, a sign that tells the traveler that this is "Mission San José de Guadalupe." If error can continue to flourish among the learned, the time is not far away when even the more thorough scholars will accept this terminology without question. Yet the term "San José de Guadalupe" is hopelessly inappropriate when applied to the mission.

Not that "Mission San José de Guadalupe" is hard to find. One sees it in place-name dictionaries, popular histories and descriptions of the missions, directories and accounts of California's historical landmarks, the free road-maps available at every service station, and in gazetteers – including the sixty-five dollar Columbia-Lippincott *Gazetteer of the World* (New York, 1952). On the other hand, authorities like Hubert Howe Bancroft, Herbert Eugene Bolton, Fr. Zephyrin Engelhardt, and John Walton Caughey eschew the exotic "de Guadalupe."

It is true that most of the missions of Alta California bore several names, for there was in California of a century and a half ago, as now, little heed given to "official" place names; the important consideration was that of making sure that one locality be not confused with another. Often, both in official and in popular usage, the name of some prominent and distinguishing local topographical feature – a hill, a creek, a valley – was associated with the name of a saint, such as Mission San Carlos del Carmelo and Mission San Antonio de los Robles. A possible confusion between two places bearing the name of the same saint did exist with regard to Mission San José. Is not the town of San José but twenty miles away? What better means could there have been of distinguishing between the town and the mission than by adding "de Guadalupe" to the name of the latter? This is a remarkable idea, both in its convenience and in its impossibility.

One of the principal watercourses of the Santa Clara Valley is the Guadalupe River, so named by Juan Bautista de Anza in 1776. In the following year, two decades before the beginning of the mission, there was founded on the bank of this river the first civil establishment in Alta California,[1] the "Pueblo San José de Guadalupe." The same term is used in reference to the town as late as 1843,[2] long after the effective life of the mission had ended. Moreover, the degree of identification between the town and Mission San José may be gauged by the fact that in 1803 the townspeople felt that even the two miles separating them from the church at Mission Santa Clara was too great a distance to travel for religious services, particularly for the older people, and especially during the wet season. Therefore they petitioned the authorities that they might have a church of their own. The request was granted, and the first church within the town limits of San José was dedicated on July 12, 1803,[3] "... dedicada al Patriarca Sr. San José y Virgen de Guadalupe."

Finally, there is the evidence from the founder of the mission himself, Fr. Fermin Lasuen. Customarily, when a mission was established, a report was made to the central authorities, and the mission registers—the books of baptisms, marriages, and burials—were initiated. These tasks were carried out by Father Lasuen. He composed and wrote the title pages of each of the three registers; shortly thereafter he reported the new establishment to the governor of Alta California.[4] In each case, he used the same name for the new mission: *la mision del gloriosissimo patriarcha Señor San Joseph.*

For those in search of the resounding or quaint for the naming of this historical site, it would seem that *la mision del gloriosissimo patriarcha Señor San Joseph* has much to recommend it. It is picturesque, romantic ...; it is authentic. Perhaps the only adverse consideration is that it might be too long to fit on the sign.

NOTES

1. Gov. Felipe de Neve to viceroy, Antonio María Bucareli y Ursúa, 15 April 1778, describes the founding of "... el Pueblo de San José de Guadalupe." (Provincial Records, vol. 1, pp. 7-9, transcript, Bancroft Library.)

2. San José Archives, vol. 6, pp. 8-9 (transcript in Bancroft Library): "1843 Junio 4 San José Guadalupe Isidoro Guillen, Juez de Paz Constitucional. Ordenenzas Municipales."

3. *Ibid.*, vol. 3, p. 98.

4. The first registers of Mission San José are in possession of chancellor to the archbishop of San Francisco. Lasuen's report is no. 321 in Maynard J. Geiger's *Calendar of Documents in the Santa Barbara Mission Archives* (Washington, 1942); transcripts and/or abstracts in Bancroft Library.

Hall McAllister to "Mannie"

With Foreword by

ALLEN L. CHICKERING

ON JUNE 4, 1849, a young man of twenty-three years and possessed of "courtly manners" arrived in San Francisco accompanied by a cousin, Samuel Ward. The young man was Hall McAllister, whose pre-arrival professional training he outlined for the benefit of law students at the University of California some thirty-seven years later:

> ... I did not then have that preparation for the profession which you will have in entering upon it.
>
> I had read the 1st and 2d Vols. of Blackstone — that was the extent of my legal acquirement, but on the day of my departure from my home in Savannah, Georgia, I was admitted to the Bar after a public examination in open court. . . . My examination was quite a good one. I knew these two books thoroughly and can still recall the definitions I then memorized.[1]

But he had two other stratagems: a conviction that the "apparent superiority of one lawyer over another, arises from superiority in industry"; and, secondly, a tin sign on which, before he left home, had been painted in bright gilt letters, "Hall McAllister, Attorney at Law." This, as he tells us, he put on the top of his trunk, and when he nailed it in front of his office in July 1849, at the southwest corner of Clay and Kearny streets, "it immediately drew attention and clients. There was then no such elaborate and brilliant sign in San Francisco."[2]

By mid-July of 1849, acting as associate-counsel for the state in the People *v.* Samuel Roberts during the trial of hoodlums known as the hounds, this same newcomer at the bar was reported as having "electrified the Court. . . . His argument, his dissection of the evidence and his summing up would have been effective in any tribunal." Finally, addressing himself to the jury, he said: ". . . I simply ask of you Justice . . . in the names of the tens of thousands now on their way hither. . . . Let them . . . find . . . a Community of Law & Order and Institutions breathing that spirit which sanctifies a land even as Worship consecrates a Temple."[3] His appeal was not in vain. The same month (July 1849) an organization, called the "First California Guard," was formed in San

Francisco to aid the constituted authorities in maintaining order and personal security. Hall McAllister became one of the two 2d lieutenants.[4]

Matthew Hall McAllister, former governor of Georgia and father of Hall, reached San Francisco in 1850 with another son, Samuel Ward McAllister, and the three men joined in practice of the law.[5] Mrs. Matthew Hall McAllister (the "dear Mus" of the letter) was the former Miss Louise Charlotte Cutler of New York City and granddaughter of Esther (Marion) Mitchell, who, in turn, was the sister of the American revolutionary general, Francis Marion, and an aunt of Julia Ward Howe.[6] The elder McAllister journeyed east in 1853, but returned to the west coast in 1855 upon his appointment as the first U. S. circuit judge for California. Among his decisions in the fall of that year was the confirmation, on October sixteenth, of the claim of José de la Cruz Sanchez to the Buriburi ranch, and, in the following week (Oct. 23, 1855), came his confirmation of James and Bernard Murphy's claims to the San Francisco de las Llagas ranch.[7]

The state of the judge's health that autumn may be inferred from the fact that he was a pallbearer on November nineteenth at the funeral of William H. Richardson, U. S. marshal for the northern district of California, who had been shot on the seventeenth by Charles Cora. The procession was reported to have marched from Calvary Church all the way to Lone Mountain Cemetery, a distance which would seem to have required no small degree of physical vigor on the part of the mourners.[8]

The next year (1856) Hall McAllister appeared in his father's court as attorney for the respondents in McGuire and Place *v.* the Pacific Mail S. S. Co.'s *Golden Gate,* on the question of injuries to passengers from overcrowding; the passengers, who were represented as laboring men without means, had filed their bill in forma pauperis. The senior McAllister held that the lower court judge had been "unconsciously and not unnaturally betrayed into awarding punitive rather than compensatory damages."[9]

Light on Hall McAllister's reference to the Pacific Mail, in the second paragraph of his letter, may be found in volume I of the *Reports of Cases Determined in the Supreme Court of the State of California,* where five cases are enumerated in which he appeared as attorney for the company.

According to the San Francisco *Directory* for 1856-57, Cutler (the "Cut" of the letter) and Hall occupied offices in "McAllister's Bldg.," 148 Clay Street, while Judge McAllister's chambers were in the U. S. Court Bldg., where he was joined (1860 edition) by his son Cutler as clerk of the U. S. circuit court and U. S. commissioner. From the latter edition also (and confirming the data contained in the genealogical records), we learn that Francis Marion McAllister ("Mannie") has accepted his family's invitation to join them in San Francisco; but, instead of being rector of Trinity, he is filling the same office at the Church of the Advent, southeast corner of Mission and Second streets. As Hall envisioned in his letter, however, Marion is listed as residing with his parents (278 Clay Street), so that that part of the plan bore fruit. Hall's residence in 1860 was at 256 Powell.

In the meantime, Hall McAllister had been married in January 1854 to Miss Louise Hermann, a native of New Orleans (b. Apr. 11, 1837) and daughter of Samuel and Marie Elizabeth Eugénie de Buys Hermann.[10] Their first child, a daughter, Marion McAllister, was born on August 23, 1858; then followed Edith (Mrs. Francis G. Newlands), Alice, Robert Hall, and Eva (Mrs. H. S. Pritchett). It is to Mrs. Pritchett, now living in Santa Barbara, that the California Historical Society is greatly indebted not only for the original of the letter transcribed below, but also for the privilege of publishing it in the QUARTERLY.

As to religious matters in San Francisco, with respect to which Hall McAllister's convictions were foreshadowed in his charge to the jury quoted earlier, Dr. Stephen Chipman Thrall succeeded Christopher B. Wyatt (the 2d and 4th rector) as rector of Trinity Church in 1856, the first (1849-52) having been Flavel Scott Mines. Dr. Thrall continued as rector until 1862 and was succeeded by Theodore Benedict Lyman.[11] Other ministers occupying San Francisco pulpits in October 1857 were the reverends W. A. Scott at Calvary; E. S. Lacy at the First Congregational; W. Ingraham Kip at Grace Church; Edward Bannister at the Methodist Church; W. C. Anderson at the First Presbyterian; and R. P. Cutler at the First Unitarian Church.[12] Opinions will differ on the question, which were the "few really spiritual Ministers" – the "few Holy men" that Hall McAllister had in mind when he was writing to his younger brother?

Judge Matthew Hall McAllister, who was born on November 26, 1800, and consequently was just fifty-seven years of age when his son Hall reported in October 1857 that he was "getting old," continued in office until 1862, when failing health forced his resignation from the bench. He died on December 19, 1865, the *Daily Alta California* of the twentieth remarking in an editorial that, during his six years as U. S. circuit judge for California, he had preserved an unblemished reputation and had died "full of years and honors." Funeral services were held at the Church of the Advent. His wife, a daughter, and five sons survived him. "Mannie" returned to the Atlantic coast and for some twenty years was rector of Trinity Episcopal Church in Elizabeth, N. J. His death occurred in Elizabeth, November 19, 1895.[13]

Attention should be called to one more point in Hall McAllister's letter, namely, his concern for the welfare of the Sunday Schools. This was reflected, shortly after his death on December 1, 1888, at the memorial exercises held by the bar association of San Francisco, December 10, 1888, where his fondness for children was commented upon – children of all nationalities. In closing, I should like to quote from this document,[14] which bore the signatures of such students of the law as Judge A. L. Rhodes of the circuit court; Judge John Garber of the district court; Ralph C. Harrison of the California supreme court; Edward J. Pringle of Judge Walter H. Levy's court; and Robert Y. Hayne, supreme-court commissioner. After referring to Hall McAllister as the admitted chief of advocates – the facile princeps – the "In Memoriam" continues in these words:

> ... He had a sound and sufficient knowledge of the law – not a faint, misty kind of knowledge which some men of great reading have, which faintly suggests some far-off forgotten thought too late for use.... He had great common sense, a keen insight into human nature and infinite tact....
>
> The fame of lawyers is written upon sand. The memory of their eloquence dies with those who have listened to it. The results of their reasoning and research are credited to the judges whom they have enlightened and their greatness becomes a tradition preserved only by a few....
>
> Let us who knew him keep his memory in our hearts. Honor him, brother lawyers, for he was a credit to our craft....

ACKNOWLEDGMENT. – Mrs. Pritchett's many gifts to the Society include a large scrapbook, beautifully bound in red cloth over boards, with a gold border-design and the inscription, in gold, "Hall McAllister." The volume contains genealogical records; also transcripts, set in type, of one of his addresses and of the tributes of his fellow lawyers at the time of his death. Especially valuable are the originals of six of his letters (1843-44) to his brother Julian, who was then attending West Point Military Academy.

THE LETTER

San Francisco. Oct. 4, 1857

Dear Mannie,

Mother and Father have written you about the call given to you by Trinity Church of this City — There is a wide and expanding field of labor here, and I do hope you will make up your mind to come *and that forthwith.*

There is no necessity for delay, the letter I enclose will secure you a passage from New York to San Francisco — Mr. [W. H.] Davidge[15] knows me, and I am the Attorney of the Pacific Mail Steam Ship Company, over which he presides, so there will be no doubt about his giving you your passage, & taking in payment your draft upon myself at sight —

I believe Father wrote you that arrangements would be made for your passage by *next steamer,* but I have seen him since he wrote, and he agrees with me, that there is no necessity for delay and that the letter I send is all sufficient to procure your passage —

We are all most anxious to have you with us — Father, Mother, Hallie, Julia & Cut,[16] are now living together, and next week I intend to join them with Louise — There will be room in the House for you, and it will be so delightful for us all to be together — Besides dear Mannie, your daily presence might have a great influence upon dear Father (perhaps also upon myself) — who is getting old, and should be turning his mind upon the thoughts of death and eternity — I feel sadly anxious about him in this respect, and believe your presence might have a great effect — How delightful would be the thought to you in after years, when Father & Mother had both passed away, that you had touched his heart, and turned his thoughts to holy and heavenly things —

Dear Mannie — I think of these matters often myself, and look forward to the time when I too, hard and sinful as my heart has grown in this heathen land, shall be regenerate and born anew —

I feel that I should like to have you near me — to awaken and aid my good thoughts.

Think too of dear Mus, and the daily delight your presence would bring —

Temporally speaking dear Brother, this call may not be a thing of much *present* advantage — But *in the future,* even in this point of view, I deem it most desirable —

The matter of your salary as Assistant at Trinity Church will remain undecided until your arrival — But you can rely upon its being sufficient to support you —

I have no idea that Dr [S. C.] Thrall will stay here more than two or three years — His ties are all on the Atlantic side — And should he leave, there would be but little doubt of your succeeding to his place — Besides we have but few *really spiritual* Ministers here — few Holy men — We have men of talent who can deliver orations, or devotional discourses, from the pulpit, but they touch not the heart —

Neither do they faithfully perform their duties by visiting among their parish, watching their Sunday Schools, & the like —

I have great confidence in your diligence & fidelity, and believe you will make many friends here —

Dear Brother, if delay is necessary, of course we'll submit, but we are anxious to have you come as soon as you can — With much love to all friends — and devoted affection to yourself —

Believe me lovingly yours
Hall

NOTES

1. "Address given by Hall McAllister to Law Students, Legal Department of the University of California" (typescript and manuscript notes in Hall McAllister papers, Calif. Hist. Soc. library). His intellectual gifts and personal characteristics are well covered in *Dictionary of American Biography* [hereafter referred to as *DAB*] (New York, 1933).

2. "Address given by Hall McAllister . . .," as above. Although signs over hotels, saloons, etc., appear in early pictures of San Francisco, his use of gilt seems, as he says, to have been unique in 1849.

3. Earl Pomeroy, "The Trial of the Hounds, 1849. *A Witness's Account*," *Calif. Hist. Soc. Quarterly*, XXIX (June 1950), 164. When John Jenkins was hanged by members of the vigilance committee two years later, however, McAllister testified that "he neither assisted in the trial, nor sympathized with those who held the rope." Mary F. Williams, *History of the San Francisco Committee of Vigilance of 1851* (Berkeley, 1921), p. 215.

4. Frank Soulé et al., *Annals of San Francisco* (New York, 1855), pp. 702-703.

5. In July 1852, Samuel Ward McAllister withdrew from the firm, then located at 151 Montgomery Street, and returned to the east. Subsequently Thomas I. Bergin joined Hall and Cutler McAllister under the name, "McAllisters & Bergin," attorneys at law, with offices, according to the S. F. *Directory* of 1870, at 528 California St. Brief biographical notes on Matthew Hall McAllister and Samuel Ward McAllister may be found in *Descendants of Archibald McAllister . . .*, compiled by Mary Catharine McAllister (Harrisburg, 1898), Hall McAllister papers, note 1 above; extended accounts of both men in *DAB*.

6. *Descendants of Archibald McAllister . . .*, note 5 above.

7. *Continuation of the Annals of San Francisco*, compiled by Dorothy H. Huggins (San Francisco: Calif. Hist. Soc., *Sp. Publ.* 15, 1939), pp. 68, 70.

8. *Ibid.*, pp. 83-84.

9. Cutler McAllister, *Report of Cases Argued and Determined in the Circuit Court of the United States for the Districts of California* (New York, 1859), I, 104-112, July 1856 term, esp. p. 112. Hall McAllister also represented the defendants in the same court (Aug. 1857 term), in Griffing *v.* Gibb & Frazer, *ibid.*, pp. 212-28, the judge's decision being that the motion for an injunction must be denied.

10. *Descendants of Archibald McAllister . . .*, as above.

11. Coated-paper reproductions of rectors' likenesses with terms of pastorates, 1849-1936 incl., in *Trinity Church, San Francisco, California* [1939?] (Bancroft library).

12. San Francisco *Directory*, 1856-57, pp. 31, 46, 86, 148, 178, 222. At the time of his death (Dec. 1, 1888), Hall McAllister was buried from Trinity Church, the Rev. Dr. Hiram W. Beers, rector.

13. *Descendants of Archibald McAllister*, as above; Neville Scrapbooks, vol. 36, p. 17 (Calif. Hist. Soc. library). The children of Judge and Mrs. McAllister were: Julian, Matthew Hall (abbreviated to "Hall"), Samuel Ward, Francis Marion, Benjamin, Cutler, and Harriet Hannah.

14. "In Memoriam," Hall McAllister, Bar Assoc. of San Francisco, Dec. 10, 1888 (typescript, Hall McAllister papers, as above). See also *Proc.*, Bar Assoc. of Calif., 1889; reprinted in San Francisco *Call*, March 24, 1889.

Reporting Hall McAllister's death, the San Francisco *Examiner* of Dec. 2, 1888, said: "He was equally at home and prepared to go into court whether the case was one involving land titles, inheritances, patent rights, private franchises, liberty, honor, life, or constitutional law."

Mrs. Hall McAllister's death occurred Nov. 12, 1896, San Francisco newspapers requesting those in New York, Boston, and New Orleans to copy.

15. William H. Davidge succeeded to the presidency of the Pacific Mail S. S. Co. on March 1, 1856. John Haskell Kemble, *A Hundred Years of the Pacific Mail* (Newport News: The Mariners' Museum, 1950), p. 11.

16. Hallie, or Harriet Hannah, was his sister; Julia, the wife of Benjamin Cutler McAllister, his brother, was Miss Julia Bedlow Parkman of Boston.

Rufus Allen Lockwood

By Robert P. Hastings

(Continued)

At some time in his career while in Lafayette, he became a Mason: "Among the famous names that have been enrolled upon Center Lodge's list of memberships . . . are those of . . . Hon. Rufus A. Lockwood. . . ."[62]

His name appears as attorney-of-record in two cases before the Indiana supreme court in 1845 (May term); in 1846 he had only one case before that court—and lost it.[63] During the next two years (1847, 1848), and up to the time of his departure for California in 1849, his name appears as attorney-of-record in nine cases before the court.[64]

His fifth and last child, a daughter, was born on September 21, 1848, at Lafayette. She was named Harriet, after her mother.[65]

Lockwood's last trial, a jury trial, before the Indiana courts so embittered him that it may well have been a determining factor in his decision to leave his family again, quit his profession, and head for California. The case involved an unsuccessful attempt on his part to contest a death-bed will in which its maker had left his entire property to his wife's wealthy relative, to the exclusion of his own poor, blood-relations, who were Lockwood's clients. Notwithstanding, or perhaps because of, a three-day closing argument to the jury, the verdict went against Lockwood. Senator Booth quotes him as being of the opinion that his plea to the jury was "the ablest effort of his life."[66] Upon hearing the adverse verdict, Lockwood "arose, struck the table with his clenched fist, and swore he would never try another case in that court."[67]

Although this episode marked the end of his career as a lawyer in Indiana, his name continued to appear as attorney-of-record in two cases decided by the supreme court during the November term 1849, and in three during the May term 1850.[68] Of these cases, the most important was on behalf of his friend Elias L. Beard, who had been awarded a judgment of some $13,000, representing the difference between the then-depreciated value of scrip received by Beard, as payment for construction of a portion of the Wabash and Erie Canal, and the par value of the scrip. Lockwood's former partner, A. S. White, represented the state. The supreme court in a ten-page decision ruled against Lockwood's client, holding that since the construction-contract specifically provided for payment in scrip, Beard could not complain if payment was made in scrip, notwithstanding its depreciation in value between the date of the contract and the date of payment.[69] By the time this adverse decision was rendered, Beard and Lockwood were already together at San Jose.

Lockwood's first trial before a California court took place in February 1850 before the court of first instance of the district of San Jose, Judge Kinkaid presiding.[70] It was a jury trial involving the question of title to the 2000-acre Rancho de Los Coches, situated in the San Jose Valley. An emancipated Indian, Roberto by name, had acquired the land by grant from Gov. Manuel Micheltoreno, and, in 1847, transferred it to Antonio Suñol in payment of a debt. Suñol later conveyed undivided interests to the other plaintiffs. Subsequently the defendants, who were to become Lockwood's clients, moved in on "an unfenced and uncultivated" portion of the land and built a house.

At the outset of the trial, the defendants were represented by counsel other than Lockwood, and it was only through the intercession of Elias L. Beard, who was friendly with the defendants, that Lockwood was prevailed upon to associate himself as one of the defense counsel.

The question before the court was whether Suñol et al., having title to the whole, but only actual possession of a portion, of the land, could dispossess Lockwood's clients from the unfenced portion upon which they had entered and built a house. Lockwood went straight to the heart of the problem, and because of his familiarity with the Spanish language and his knowledge of Spanish and Mexican laws, he was able to prove that the original deed from the Indian Roberto to Suñol was void, and therefore that the plaintiffs had not even a colorable title to the entire land but only title to that portion actually occupied by the plaintiffs.

During the course of the trial, one of the plaintiffs' attorneys is said to have remarked, "This man Lockwod is killing me"[71]—which he was, and the jury concurred. The plaintiffs appealed to the California supreme court,[72] Lockwood appearing as attorney-of-record for the defendants, and the case was twice argued before a decision was handed down in Lockwood's favor. Even then the plaintiffs did not give up, but applied to the supreme court for a rehearing which, however, was peremptorily denied.

Notwithstanding the section in Commodore John D. Sloat's proclamation of July 7, 1846, addressed "To the inhabitants of California" upon American occupation that, "... all persons holding titles to real estate, or in quiet possession of lands under a color of right, shall have those titles and rights guaranteed to them...,"[73] and the subsequent treaty of Guadalupe Hidalgo signed on February 2, 1848,[74] the whole land-title situation in California was then in a state of confusion. It was for this reason that so much importance was attached to the outcome of the Suñol case. It is significant to note, also, that the supreme court's decision was that of a divided court. The majority opinion was some twenty-seven pages in length, and contained an exhaustive analysis of the Spanish, Mexican, French, Roman, and Louisiana law relating to rights of possesion and title to land, while the dissenting opinion of nine pages was written by Chief Justice S. Clinton Hastings.

On April 15, 1850, the same chief justice moved and sponsored Lockwood's admission to practice before the supreme court of California.[75] Curiously enough, the roll of attorneys admitted to practice before the supreme court shows that Lockwod was admitted "on examination" on that same date.[76]

Sometime between the trial of the Suñol case in San Jose and the hearing on appeal before the supreme court, Lockwood left San Jose and took up residence in San Francisco, where he hired himself out as a mere law clerk and janitor in the office of Horace Hawes at $10 per diem, payable at the end of each day. The association of the eccentric and rich Hawes and the equally eccentric but poor Lockwood was a combination lacking in stability. At the end of the first six months, Lockwood was offered a partnership, an arrangement he rejected "in language not heard before by his employer," and quit.[77]

He appeared as attorney-of-record in two more cases before the supreme court prior to the close of 1850, one argued during the June term,[78] and the other at the December term of the court.[79]

In a jury-trial case commencing September 5, and ending October 12, 1850, Charles E. Huse, an attorney who had some interest in the plaintiffs' cause, recorded in his diary: "*Sept. 7th, 1850*—Suit of Gunter, Melado et al. vs. Geary and Fallon came on for trial.... *Monday, Sept. 9th*... our suit came on for argument.... Closed by Lockwood in a speech nearly seven hours long. A most excellent strong, clear logical and conclusive argument. . . ." The jury had then retired and had returned with a verdict against Lockwod's clients, whereupon he demanded and was granted a new trial which took place in early October. Huse's diary continues:

> *Thursday, Oct. 10th*—Lockwood closes for the plaintiffs. Such a terrible and deserved invective did he pour forth upon Gilman [opposing counsel], whom he compared to that old dotard George, the 3rd, that the 'grave and revered' counsellor rose and claimed the protection of the Court. The Court however would not interfere as it considered this strong language called for by that gentleman's attack of the previous day. . . . *Friday, Oct. 11th*—The verdict . . . in favor of the plaintiffs. . . .

It appears that Huse was charged by the losing side with trying to interfere with the jury's deliberation; while denying communication with that body, he admitted in his diary: ". . . Could have heard at a distance from the door their discussion, the walls were so thin that sound passed easily. . . . It was no uncommon thing to overhear a jury. . . . Mr. Lockwood remarked that he himself had listened twice on the evening in question, for he 'wanted to hear.' . . ." The judge's reaction to the diarist's plea is also recorded: "Judge Morse said it would be well to make an example of even the slightest contempt of Court, that my excuse was rather unsatisfactory . . . he would therefore impose a fine of $100.00 and imprisonment for six hours. . . ." Even so, the judge did not disturb the verdict in favor of Lockwood's clients.[80]

In the spring of 1851, Lockwood argued two companion-cases before the superior court of the city of San Francisco, both involving rights of property owners to lay planks from their respective properties to, or across, public thoroughfares in such a way as to provide better means of ingress and egress to and from their properties. Both cases eventually went to the supreme court of California, and Lockwood was successful in one[81] but not in the other.[82]

Lockwood purchased a house in San Jose, probably during the year 1850. He took in a roomer who proved to be a forger, with the result that Lockwod found himself the defendant in a court-action instituted by one Harlan. Harlan's attorney, William T. Wallace, later chief justice of the California supreme court, offered in evidence a document, purportedly signed by Lockwood, deeding the house to Harlan, which Lockwood denounced as a forgery. Wallace put Lockwood's good friend, Elias L. Beard, on the stand to testify as to Lockwood's signature, and, under oath, Beard declared that the signature on the deed was, in fact, Lockwood's. Whereupon Lockwood cross-examined Beard:

Lockwood: Elias, you think that I wrote that deed, do you?

Beard: Yes, Rufus. I think that is your handwriting.

Lockwood: Now, Elias, do you think that if I was going to write a deed I would spell "indenture" with two t's?

Beard: No, Rufus, I don't believe you would, and I think this deed is a forgery.

The court found that the document was a forgery, and gave judgment for Lockwood.[83]

In the early summer of 1851, Lockwood entered into a partnership, under the name of "Lockwood, Tilford & Randolph," with Edmund Randolph and Frank Tilford, which, according to Shuck, "made as powerful an alliance as was ever effected" at the San Francisco bar.[84] Lockwood is reported to have said that the firm "was made up of a genius [Randolph], a madman [Lockwood] and a fool [Tilford]."[85] Shuck adds that "it was the leading firm for a time, but its time was short."[86] All three had arrived in California about the same time. Lockwood at forty was the oldest, Randolph being thirty-two and Tilford but twenty-nine years of age.

Randolph, one of the Randolphs of Virginia, was a graduate of William and Mary College; he studied law at the University of Virginia, following which he moved to New Orleans where he practiced law continually until 1849. Whether Randolph and Lockwood were ever acquainted in New Orleans is not known. Shortly after his arrival in San Francisco in 1849, Randolph succeeded in getting himself elected as a representative from San Francisco in the lower branch of the legislature at its first session held in San Jose on December 15, 1849.[87]

Tilford, the youngest member of the firm, was a transplanted Kentuckian, who, in May 1850, had been elected a San Francisco police judge. In the April 1851 contest for mayor of San Francisco he lost by only a small majority to T. Butler King, a Whig.[88]

Tilford's defeat in the mayoralty election may have been caused in part by opposition from the Vigilance Committee. Whether Lockwood had ever had any run-in with that powerful body prior to July 1851 is not known, but as he was always ready, willing and able, to espouse the cause of the underdog, it may be assumed that when Peter Metcalf, a poor carpenter and drayman, walked into his office for advice in June of that year, he was cordially received. Since the Vigilance Committee seemed to have been the cause of Metcalf's troubles, Tilford's sympathy also may have become aroused.

In any event the firm of Lockwood, Tilford & Randolph mustered their combined forces and on July 1, 1851, a complaint for trespass was filed by that firm before the superior court of San Francisco on behalf of Peter Metcalf against one Felix Argenti, and other members of the Vigilance Committee. The complaint sought $20,000 in damages.

The political implications behind this lawsuit far transcended in importance either the persons of Peter Metcalf or the amount of damages sought – the very existence of the Vigilance Committee of 1851 was at stake. Lockwood, ably assisted by his two partners, was determined to win, and, in so doing, to bring about the destruction of the power and authority of the committee. Ready to provide full coverage at the time of the trial were the newspapers; consequently the case of Metcalf *vs.* Argenti, et al. became the cause célèbre of that year.[89]

The plaintiff, Peter Metcalf, was an Englishman who had lived in Sydney, Australia, prior to his arrival in San Francisco in 1849. Since his earnings as a carpenter were insufficient to support his wife and three children, he often supplemented his income by operating a dray service. Felix Argenti, however, was the head and owner of the financial house of Felix (or "F.") Argenti & Co., which had opened its doors for business in June 1850 and had prospered greatly.[90] He lived, without benefit of clergy, with a young lady named Angelina Duclos,[91] in a style and manner which she thought suitable to his financial position in the community. To Lockwood, Metcalf was "a plain, hard-fisted working man, or producer," whereas Argenti had "succeeded in fleecing our people of piles of gold; – not to . . . be circulated here . . . but to be consigned, by every departing steamer, to foreign lands."[92]

A fire swept a portion of the best residential section of San Francisco in June 1851 and threatened to destroy Argenti's house. This was the catalytic agent which first brought these men together. Metcalf was hired to remove the contents from the house and cart them to a place of safety, for which he was to receive the sum of $50. He fulfilled his part of the bargain, but Argenti reneged on payment, and accused Metcalf of stealing $3000 worth of his mistress's finery. Not content with Metcalf's straightforward denial, Argenti and one Mellus, later identified as a member of the Vigilance Committee, at Metcalf's invitation, made a personal inspection of Metcalf's house, but found no trace of the missing articles. Whereupon Argenti's lady took matters into her own hands, first urging her husband to enlist the interest of the Vigilance Committee, which he did. With his help, she organized a search party, consisting of herself, one Atkinson, and numerous other members of the Vigilance Committee, and late one night forced their way into Metcalf's house. This second search proved as fruitless as the first.

The nocturnal invasion of his home and privacy was more than the carpenter could take and he sought Lockwood's counsel, who advised an immediate suit for damages. A complaint was filed on July 1, 1851. Two days later the suit was the subject of serious discussion at a Vigilance Committee meeting, and a general meeting of the entire committee was called for the fifth. At the later meeting a resolution was passed appointing a sub-committee to assume responsibility for following the case and protecting the interests of the committee and its members. The sub-committee was directed to call upon Messrs. Lockwood, Tilford & Randolph and suggest to them that it would be to that firm's best interest to drop the case.[93]

In pursuance of this resolution, committee members Sharon, Curtis, Bromley, and Spence had the audacity to call upon Messrs. Lockwood, Tilford & Randolph and to suggest that they doublecross their client. What actually occurred at the meeting is not known, but it must have been lively, judging from Lockwood's formal letter reply of July eighth addressed to the Vigilance Committee:

> Sundry fool or knaves (perhaps both) styling themselves the "Vigilence Committee" having caused to be transmitted to the firm of Lockwood, Tilford & Randolph the following resolution, – "That a Committee be appointed to wait on Messrs. Lockwood, Tilford & Randolph, acting as counsel in the case of Metcalf vs. Argenti, Atkinson and others, and they are hereby directed to request those gentlemen to withdraw the suit and decline further proceedings in the matter touching the case" – as a member of said firm, my only answer to the aforesaid fools or knaves (in addition to my verbal response to the bearers of the resolution) is "I do defy, deny, spurn and scorn you."

To make the firm's position indubitably clear, Randolph addressed a similar, although somewhat less restrained, communication to the committee:

> We forbear to remark upon the folly, the presumption, the ignorance of your own powers and of our character, and the entire disregard of the constitution and laws and the rights of your fellow citizens, which that communication betokens. You will, for our answer, say to those who sent you, that we need no dictation from the Vigilance Committee, collectively or individually; and that they may rest fully assured that we will prosecute the case of Metcalf vs. Argenti and Atkinson and all other suits of a similar nature, in which we may be employed, with the utmost of our ability, and to the end of the law.

Both letters were forwarded to the committee for the attention of Messrs. Sharon, Curtis, Bromley and Spence. Lockwood must have furnished the *Picayune* copies of these letters for they were reprinted in that newspaper on July 8, 1851, with favorable editorial comment. However, on the day following, the *Herald* reprinted the letters and in an editorial supported the action of the committee. The *Courier* also published the letters on the ninth.

For the most part, the press supported the Vigilance Committee and vigorously attacked Lockwood and his firm for using the Argenti case as the means of undermining the power and influence of the committee. Lockwood's pleadings were even published in pamphlet form and used for campaign purposes in the September election.[94]

Trial commenced on August sixteenth before the superior court of San Francisco, Judge Smith presiding. On August eighteenth the *Herald* recorded the difficulty in selecting unbiased jurors:

> Question to Adams, not a member of the Committee: "Do you believe that the defendants, as members of the Vigilance Committee, have a right to enter and search a house without cause?" Answer: "I believe they had a cause; I think the Vigilance Committee is right." Set aside for cause.
>
> Another question and answer. J. Wilbur (Wilber): "I am proud to say that I am able to present a character that entitles me to a membership of the Vigilance Committee." Challenge peremptorily by plaintiff.
>
> Another prospective juror, J. W. Young said: "If I thought the law was wrong and the rules of the Committee right, I would rather lean to the latter."
>
> This juror was excused.
>
> Another prospective juror, Marion McNulty, who apparently was not a member of the Committee, answered: "No self constituted body has the right to act in opposition to the law."

Lockwood later said that the jury was "packed" with Vigilance Committee members.

On August nineteenth the trial was interrupted and suspended by the furor created by the Whittaker-McKenzie affair, which had nothing whatever to do with the trial but which illustrated the political tension of the day. Furthermore, Lockwood was "one of the men in buckram" who had assisted Deputy Sheriff Caperton in rescuing the two alleged burglars, Whittaker and McKenzie, from the hands of the Vigilance Committee and in placing them in jail to await trial by due process of law rather than at the hands of the committee.[95]

Trial was resumed on the twentieth, and on the following day Randolph made the opening remarks to the jury, followed by Isaac E.

Holmes for the defendants. Lockwood's guns were brought to bear on August 23, 1851, in a four-hour closing argument to the jury, in which he favorably compared members of the Vigilance Committee to the money changers whose tables Christ overthrew in the temple; to Danton, Marat, and Robespierre, to the directors of the Spanish Inquisition, and to the bigoted Catholics who during the reign of Charles VIII caused French protestants to the butchered.[96]

In drawing a parallel between Sam Brannan (a leading committee member) and his so-called reformers, and Jack Cade and his adherents in Shakespeare's *King Henry VI*, Lockwood paraphrased:

> Curtain rises, discovering Sam Brannan on a sand hill, opposite the Committee Rooms. Enter Editors, the *Herald* leading off, gloomy and sullen, and opening the dialogue thus: "The first thing we do, let's kill all the lawyers." Sam Brannan. – "Nay, that I mean to do." . . . Sam. – "Away, down with the Courts; burn all the records; my mouth shall be the Parliament of San Francisco."[97]

The following words were reserved for the committee members:

> What have those mushroom noblemen, those sweet-scented, starch-collared, counter-jumping aristocracy, who, in one short night, by the foul purchase of a goodly quantity of dirty ink and printing materials, become suddenly metamorphosed from cheating haberdashers and close-fisted soulless money dealers, into "an august body of patriotic noblemen" – in the name of sense, what good have they accomplished to the community, that they thus, with haughty and supercilious air, challenge for themselves the highest nitch in the pantheon of our plebeian affections?

Lockwood concluded his impassioned appeal to the jury on this practical note:

> Bleed these purse-proud lordlings to the last cent of the $20,000 claimed by this Complaint, and you will perform an act, not only of limited justice between these parties, but one of which yourselves and the community, and the whole civilized world, will long and justly be proud. I am done.[98]

The jury retired but was never able to reach a verdict and was discharged as a hung jury.

Because of the local political pressure and the hostility of the San Francisco press, Lockwood thereupon moved to have the case transferred to the Santa Clara district court for retrial, which was granted.

That the harassing tactics of Messrs. Lockwood, Tilford & Randolph were causing the Vigilance Committee members many sleepless nights is evidenced by the fact the minutes of their meetings during the summer and fall of 1851 constantly reflect "efforts to raise money, especially the sums needed to meet the expenses of the suits instituted by Peter Metcalf."[99] The committee, over the objections of some of its members, had agreed to assume the expenses of the defense, "evidently with the expectation that the attorneys would volunteer their services"; but the latter appeared to have been unwilling to take on the formidable combination of Lockwood, Tilford & Randolph without getting paid for their trouble.[100]

The second trial commenced on December 2, 1851, before the Santa Clara district court, Judge Hester presiding. The trial itself lasted three days. On the morning of the fifth, Randolph addressed the jury on the plaintiff's behalf, and was followed that afternoon by George B. Tingley for the defendants.

Isaac E. Holmes spoke for the defense on the morning of the sixth, and Lockwood took the balance of the day in his closing argument for the plaintiff.

In addressing the Santa Clara jury, Lockwood spoke disparagingly of the press as the "contemptible couriers that threaten to make mince meat of lawyers, judges, officers, and what not, 'and scatter their carcasses for food to the crows and coyotes.'" He referred especially to "that stupid thing, the Sunday *Dispatch*, and to the 'great high sounding, lumbering, crackling, crashing, smashing, thundering *Alta California*. . . .'" And he advised the jury to "let the whole yelping pack bark and snarl, and howl until their throats do split. Heed them not. . . ."[101]

Whereas at the earlier trial, before a jury of city sophisticates, he had freely spoken of Argenti's lady as "that wanton harlot" or as a "foul hag," his approach to the lady in question before a jury of country folk was more oblique: she was referred to as Argenti's "deary" and as "the lady and her lover," who, like her lover, "came 'trading' to California." Lockwood then admonished all good citizens and the jurors in particular to avoid the Vigilance Committee as one would the plague.

His final words were: "If the law is a force to protect Argenti in his acquired heaps of gold, shall it not also be a force to protect Metcalf in those personal, family, and social rights, without which man is worse than a slave, — more wretched than the beasts of the field!"[102]

The jury's verdict was in favor of Metcalf, but, even though victorious, Lockwood was dejected, because the amount of the damages awarded was not the $20,000 sought, but a nominal $200, being "the lowest sum that would permit the jury to allow costs in his favor."[103] Afterwards he ascertained that the jury had originally favored the plaintiff and were in disagreement only as to the amount allowable as damages.[104] He issued a statement to the effect that his client hoped to obtain justice "in other suits against other parties to the trespass." Metcalf did in fact obtain a verdict for six cents damages in a subsequent action against other defendants, but this "empty victory led to the dismissal of still other suits by which he sought to continue his action against the Vigilantes."[105]

Argenti and his lady made an abortive attempt to strike back at Metcalf in a suit for $5,000 damages for loss of wearing apparel, which came on for trial the day before Christmas 1851 in the district court of San Francisco, Judge Lake presiding. Argenti appeared as a witness for his lady, and on cross-examination proved himself to be such an unmitigated liar that she voluntarily dismissed the case.[106] Lockwood retaliated by asking the grand jury to indict Argenti for perjury, but his efforts in that direction came to naught.

At the conclusion of the second trial of Metcalf vs. Argenti, the firm of Lockwood, Tilford & Randolph was dissolved for reasons which are obscure. There is, however, a suggestion that Lockwood was dissatisfied because he was doing most of the work while the profits continued to be split three ways.[107]

Lockwood and Argenti crossed swords once again. On this occasion Argenti brought an action to dispossess an old lady, Lockwood's client, from her home, and personally assisted the sheriff in the ouster. "The philippic that Lockwood hurled against Argenti . . . has never been excelled," reported a later writer, "in our local courts for bitterness of invective. . . ." Argenti is reported to have told an acquaintance that he wished "he had never been born."[108]

The *San Francisco City Directory* for 1852 listed his name, "R. A. Lockwood, atty. h. 327 Stockton"; while a supplement issued later in the year coupled his name with that of another attorney, A. A. Hammond, who, as Abram Adams Hammond,[109] formerly had been a judge of the common pleas court of Marion County, Indiana: "R. A. Lockwood, atty. 163 Mont.; Lockwood & Hammond, attys., 153 Montgomery." The *Legal Directory* for 1852 again lists the firm, "Lockwood (RA) & Hammond (AA), attys and counsellors at law, Naglee's Bldg, 153 Montgomery." Lockwood & Hammond was even more short-lived than Lockwood's previous association with Messrs. Tilford and Randolph.

At the January term 1852, the supreme court sustained a $3000 judgment of the San Francisco superior court in favor of Lockwood's client in an assault and battery action in which Lockwood sought $20,000 damages. The jury, however, only awarded $3,000 which included an allowance for exemplary damages, and it was as to this allowance that the appeal had been taken by the defendant. But the supreme court sustained Lockwood's position that exemplary, as well as general and special, damages could properly be allowed in a personal-injury action.[110]

For several weeks during 1852, probably early in that year, there is some evidence that Lockwood, in a momentary fit of pique, quit the practice of law altogether and worked on the waterfront as an ordinary day laborer.[111]

On March 8, 1852, the last day of the January term of the supreme court, Lockwood was appointed "Reporter of the decisions of the Supreme Court."[112] He resigned at the end of the April term, a note being inserted at page 265 of Volume 2 of the official supreme court *Reports* that "The cases of the two preceding terms were prepared for the press by R. A. Lockwood, Esq." The same note adds that "on resigning the office, Mr. Lockwood handed over to his successor the manuscripts."[113]

Palmer, Cooke & Co., one of the leading banking firms in San Francisco, having made substantial investments in city and water lots, title to which was being questioned, needed the services of the best available land-title lawyer. Mr. Palmer asked the opinion, separately, of Gen. James A. McDougall[114] and Chief Justice S. C. Hastings, as to whom each considered the most qualified lawyer for this purpose. Lockwood's name was advanced by both.[115]

Palmer thereupon called upon Lockwood and the interview which took place is later recounted by Senator Booth in Palmer's words:[116]

> I found Lockwood in an unfurnished office, apparently absorbed in a black-letter-looking law-book. I introduced myself, and told him the case in which I wished to employ him. . . . Lockwood, scarcely looking up from his book, said, "I don't think you have got any case." Piqued by his abruptness, I answered, "When you have given the matter as much attention as I have, perhaps you will be of a different opinion." "If you will come to-morrow morning," he replied, "I will give you a final answer." When I went back, he was in the same position. . . . Without addressing a word directly to me, except to acknowledge my presence, he said, as if reading aloud to himself, "A conveyance that is void, is void forever."
>
> . . . nettled by his manner, I remarked that the counsel for the other side would probably be able to find that principle without his assistance. Without heeding

my interruption, he went on, in the same measured manner, "But the sovereign power, by a sovereign act, may give validity to *the terms* of a conveyance which is void."

I saw his meaning . . . and, applying it to the case, exclaimed, "Then an Act of the Legislature may refer to a void deed for a description of lands; and it is the law which conveys the title, not the deed?"

"Precisely. I will take your case and win it."

Lockwood was employed to represent Palmer, Cook & Co. in a certain title case, and notwithstanding, or possibly because of, copious consumption of brandy by Lockwood during the several-days trial, victory was achieved. The banking firm was so satisfied with the result that Lockwood was offered, and accepted, the position of general counsel to Palmer, Cook & Co.

Although Mr. Palmer seemed highly pleased with Lockwood's success in winning this important trial upon the theory that legislative action may give validity to an otherwise void grant-of-title, the supreme court took exactly the opposite view in a case in which Lockwood was counsel. This was the case of Peter Smith *vs.* P. A. Morse, et al., reported in 2 *California Reports* 524. The plaintiff, one Peter Smith, recovered judgments in the superior court of San Francisco against the city of San Francisco on January 25 and March 4, 1851, respectively, for $19,239 and $45,538.32. Thereupon, Smith proceeded to levy execution on the city hall, the hospital and the prison brig, as well as on certain lots, and he became the purchaser at sheriff's sale of these lots.

The defendants, clients of Lockwood, were the board of commissioners of the city of San Francisco, who were responsible for the sale of certain sinking-fund stock, the proceeds of which were to be used for civic betterment. The city ordinance establishing this board prescribed that all city realty was pledged as security for a redemption of the stock, and that the commissioner had discretionary power to sell the land.

The commissioners appear to have made certain representations, as a consequence of which Smith experienced great difficulty in reselling the property he had acquired. In fact, they had gone so far as to subdivide the property into some three thousand-odd lots and had begun to advertise them for sale. Smith sued to enjoin the commissioners from selling the property; a temporary restraining order was granted, and the injunction was granted following a referee's report. The ruling was affirmed on appeal, over Lockwood's strenuous objection. The supreme court held that the ordinance creating the sinking fund was unauthorized by law and void; that the deed in trust of the land in question by the city to the commissioners was fraudulent; and that the act of the legislature in authorizing the funding of the floating debt of the city was unconstitutional, in so far as it may have purported to confirm the void act of the city of San Francisco in deeding its property in trust to the commissioners. The importance of this decision is attested by the fact that the supreme court's opinion occupies thirty-four pages.

A new era of prosperity opened up for Lockwood as a result of his representation of Palmer, Cook & Co. He even took to "skipping twenty dollar gold pieces over the water off Meigs Pier as idly as an urchin skips stones on a mill pond."[117] An example of Lockwood's largesse is his gift to Senator Hannegan of $10,000 as a token of appreciation for Hannegan's previous efforts to obtain his release from the Army.[118]

Two more cases in which Palmer, Cook & Co. were interested reached the supreme court during 1852 and were argued by Lockwood.[119]

In a fourth case, Lockwood, representing the plaintiff, brought an action against the trustees of the State Marine Hospital for non-payment of debts owing by a predecessor hospital to whose charter it had succeeded. The trial court gave judgment for the hospital upon the ground that its liability could not be in excess of the value of assets received from its predecessor. The question before the supreme court was one of statutory construction and Lockwood was successful in obtaining a reversal.[120]

Lockwood appeared as one of the attorneys of record for Alexander Wells in People of the State of California *vs.* Alexander Wells, argued before the superior court during the April term 1852.

The facts of this case were most unusual. Solomon Heydenfeldt, justice of the supreme court, had been granted a six months' leave of absence by the legislature to permit him to journey to his former home in Alabama. The legislature thereupon passed an act to fill the temporary vacancy and, pursuant to the authority of this act, Gov. John Bigler appointed Alexander Wells. Wells had scarcely taken his seat upon the bench and heard several cases before there were misgivings as to the constitutionality of the act and the appointment. An agreed case was submitted upon quo warranto proceedings. S. C. Hastings, then attorney general, argued the case for the state and Wells argued his case on his own behalf, assisted by Gregory Yale and R. A. Lockwood as his "counsel." The only brief filed was that of Lockwood. The question before the court was whether "absence of a judge from the state" constitutes "such a vacancy as can be supplied by the Executive under an act of the Legislature authorizing such appointment." The case was argued before Chief Justice Murray and Justice Anderson. The chief justice held that the act was unconstitutional and the appointment of Wells under it void, emphasizing the fact that the act was "declared unconsitutional by almost every gentleman of respectable attainments on the floor of the House." Justice Anderson, however, after indicating that this case presented "far the most important question that has ever been before this court," took a contrary position.

The deadlock was resolved in a practical way as indicated by the court's notes:

> The statute [Stats. 1851, p. 11] provides that, "the concurrence of two Justices shall be necessary to pronounce a judgment." Consequently, no judgment was rendered in this cause: and the Chief Justice remarked, that the respondent must exercise his own discretion, in resuming his seat.

The respondent, Alexander Wells, took the hint, no doubt prompted by Lockwood, and the court's notes further show: "Wednesday, May 5. Judge Wells took his seat on the bench."[121]

In 1853, Lockwood's name appears only twice in the California supreme court reports. In one case, argued at the July term, a $10,000 judgment for damages was sustained in favor of his client whose horse and wagon had been struck at the intersection of Bush and Battery streets by one of the defendant's horsecars.[122] Lockwood was less successful in the other, which was a suit to recover $17,000 lost by the defendant while playing faro in a public gambling-house owned by his client.[123]

Suddenly and without reason or adequate explanation Lockwood abandoned his law practice in midsummer 1853 and departed for Australia. The Lafayette (Indiana) *Daily Courier* for September 2, 1853, contained an article:

> R. A. LOCKWOOD We learn from a late number of the Placer Times, that this eccentric California lawyer has taken steerage passage to Sydney, Australia. The $100,000 he received in one fee has, it appears, all "gin out." The Times says of him, "he is a gentleman well known in California as a forcible and eloquent speaker, and a brilliant ornament to the bar."

It is said that certain friends prevailed upon the ship's captain to delay sailing for almost a week after Lockwood had boarded the ship, in the hope of persuading him to change his mind. His friend Elias L. Beard, knowing Lockwood perhaps better than others, slipped aboard ship and delivered clothing and money to the captain with directions to make them available to Lockwood "when his fit was over."[124]

He did not return to California until late 1854. Little is known definitely as to his exact whereabouts or activities during this two-year absence.[125] Senator Booth reported that Lockwood was at one time a bookkeeper, later a clerk in a law office "from which he was discharged for refusing to copy a paragraph into a brief which he said was not law," and ultimately a sheep-herder.[126] There is some indication that he spent the greater part of his time in Sydney and Melbourne, and that he walked from Sydney to Melbourne, a distance of approximately 700 miles.[127] It is also said that in return for a suit of clothes and passage paid back to the United States he wrote a brief for a Sydney law firm on a complicated land-title question. The partners of the firm had been studying the points involved for some time, but Lockwood shut himself up in a room with a bottle of brandy, and, two hours later, emerged with a completed brief and an empty bottle.[128]

While on board the British bark *Fanny Major*, returning to the United States, he became incensed at the captain's attitude toward a woman passenger and was placed in irons for threatening the captain's person. Lockwood is said to have refused further food and drink until the ship reached Honolulu, where he transferred to another ship, the *Susan Abigail*, for the remainder of the trip.[129]

During his sojourn in Australia, his former partner A. A. Hammond carried on Lockwood's practice, and their firm appears as attorneys-of-record in two cases before the supreme court in 1854, in one of which Palmer, Cook & Co. may have had an interest.[130]

Prior to his departure for Australia, Lockwood had been engaged to represent John Charles Frémont before the land commission, to establish Frémont's paramount title to the Mariposa land grant. From an adverse decision of the commission, Frémont's counsel, William Carey Jones, in Lockwood's absence, tried the question of title before the U. S. district court for the northern district of California during the December term 1854. The decision went against Frémont again, and his counsel appealed to the U. S. supreme court, the title of the case being John Charles Frémont *vs.* United States, 58 *U. S. Reports*, 241 (17 *Howard*, 442-76). Caleb Cushing, attorney general of the United States, filed a brief fifty-five pages in length in comparison with Jones' eleven-page brief for Frémont, which, however, was supplemented by Lockwood's ten-point statement in support of Frémont's claim and his lengthy memorandum of points and authorities, to which Jones referred in his brief:

> Mr. Lockwood, formerly of San Francisco, argued this case before the Land Commission, after a very elaborate and thorough examination of it. I have been favored with a copy of his brief, and here insert it, as presenting in a concise and striking form the principal points of the case.[131]

The case came on for hearing before the U. S. supreme court on February 19 and 22, 1855, Attorney General Cushing representing the government, and John J. Crittenden and Montgomery Blair arguing the case on Frémont's behalf. Messrs. Jones, Lockwood and George Bibb appeared as Frémont's attorneys-of-record. The decision of the court, speaking through Chief Justice Taney, adopted the "principal points of the case" as developed by Lockwood's able brief, and confirmed Frémont's title to the Mariposas over the vigorous dissents of justices Catron and Campbell.[132] At the time the decision was rendered, March 10, 1855, Lockwood, whose legal theory was largely responsible for Frémont's victory, was in Australia, probably tending sheep.

It is impossible to appreciate fully the importance of this decision to General Frémont, who within a few months was to be proposed as the Republican party's presidential candidate, without having some background on his acquisition of, and connection with, the vast tract of valuable land known as the Mariposas. Bancroft has said that "The Frémont claim to the Mariposas was another cause célèbre involving immense interests, the grant being almost the only one affecting the gold region, and its early confirmation settling several important legal questions."[133]

The Mariposa tract or grant consisted of some seventy square miles of wild undeveloped country "within the confines of Snow Mountain [Sierra Nevada] and the rivers known by the name of 'The Chanchillas' of the Merced and San Joaquin."[134] On February 23, 1844, Juan Alvarado petitioned the then-Mexican governor, Manuel Micheltorena, under the Mexican colonization laws, for a grant of this vast area. On February 29th, by order of the governor, a deed was issued to Alvarado containing a recital that it was issued to him "for his meritorious patriotic services." On February 10, 1847, while California was occupied by American forces, he deeded the property to Frémont, who was unhappy about the purchase because he had commissioned Thomas O. Larkin to acquire a certain piece of property in the hills "some distance back of San Francisco" and had given him $3000 for this purpose. Larkin purchased the wild, apparently worthless Mariposa tract some 100 miles from the ocean and nearly 100 miles from the nearest settlement.

As this property hardly fitted Frémont's description of "some distance back from San Francisco," he was greatly provoked with Larkin and even threatened to bring suit, either for the return of the purchase price or to force Larkin to carry out the original commission.

In late 1848 or early 1849, gold was discovered on the rivers in the grant, and it was not long thereafter before two to three thousand placer miners moved in. Frémont at first made no effort to interfere with them – in fact there was little he could have done to prevent this type of prospecting. Shortly after California's admission into the Union (Sept. 9, 1850), he took his seat as one of California's two first U. S. senators. In June 1850, he authorized an agent, named Hoffman, to act for him in London and to organize mining companies there to operate certain portions of the property on a leasehold basis. At the same time, Frémont leased other portions to Thomas Denny Sargent, who went to London in 1851 and turned these leases at handsome profits to himself. Notwithstanding the dubious condition of Frémont's title to the Mariposas, he was "exuberantly confident of becoming a millionaire," and undertook to develop the property partly with his own money and partly with funds supplied by Palmer, Cook & Co. It appears that through this latter connection Lockwood and Frémont were first brought together. Sen. Thomas Benton of Missouri, Frémont's father-in-law, was so struck with Sargent's enterprise that he obtained a general power-of-attorney from Frémont, and, acting under such power, gave Sargent an option to buy the entire tract for $1,000,000. Sargent made a down-payment and again journeyed to England, there to enter into arrangements for re-sale at enormous profits to himself. Upon learning of Sargent's endeavors, Hoffman felt that Frémont had double-crossed him, and a quarrel arose between the two, whereupon Frémont rid himself of his alliances with both Hoffman and Sargent. Aware now of the enormous potential of the Mariposas, which had cost him but a paltry $3000, Frémont took steps to have the government recognize his claim to the grant, and Lockwood was retained to represent him before the land commission. The basis of the litigation depended upon a construction of the Mexican laws. Frémont had to overcome the application of certain analogous supreme court decisions arising out of Spanish grants of Louisiana land, consequently Lockwood's usefulness was predicated upon his intimate knowledge of Louisiana and Mexican laws. Not until the case had been litigated to the U. S. supreme court, and the decision of that court, through Chief Justice Roger Brooke Taney, had been rendered, was Frémont's title finally confirmed.[135]

Lockwood returned to San Francisco from his Australian sojourn to find that the court's decision confirming Frémont's title to the Mariposas had increased his stature as *the* great land-title lawyer of the day. He was offered "a very large fee and a contingent fortune" by a client, title to whose vast city- and water-lot holdings depended upon the validity of the "Peter Smith Titles." But since Lockwood had once opposed these titles' validity,[136] he turned down the offer as a matter of principle.

According to Senator Booth, Lockwood's two years in Australia had a subduing effect upon him; he took a more rational approach toward life and no longer felt the need for drink and gambling. "His tired heart wanted rest, and he was beginning to seek it—where so many other restless spirits have sought—under the shadow of authority, in the teachings of Rome."[137]

The U. S. circuit court for the district of California was authorized by act of March 2, 1855. The first session was held on July 2, 1855, at San Francisco by Judge Matthew Hall McAllister, who became, by appointment of President Franklin Pierce, the first U. S. circuit judge of California. The signature of "R. A. Lockwood" is the second on the court's first roll "of Attorneys, Proctors, Counsellors, and Advocates and Solicitors." The first signature is that of J. B. Manchester, who, following his own admission, moved Lockwood's admission. Lockwood, upon being admitted, then moved the admission of one Hiatt O. Hepburn and Judge McAllister's own son, 29-year old Hall McAllister.[138] Although Lockwood practiced before the U. S. district court for the northern district of California, there is no record extant to show that he was formally admitted to practice before that federal trial court, which was organized under the act of September 28, 1850, and the first session of which was held by Judge Ogden Hoffman.[139]

During the latter part of 1855, Lockwood associated himself with George Wallace and O. B. Tyler, the firm of Lockwood, Tyler & Wallace appearing as attorneys-of-record in two cases before the California supreme court during the October term 1855.[140]

On October 29, 1855, he defended Governor Bigler at a contempt hearing, which probably arose out of a proceeding collateral to one of the Peter Smith title-cases. At least there is a newspaper account under that date:

In Superior Court, D. O. Shattuck, Judge, Messrs. Carpenter, Lockwood [for state commissioners] and Satterlee, Baldwin and Parsons [for plaintiff] argued the ruling against Governor Bigler and other State Land Commissioners to show cause why they should not be punished for disregarding the judgment of this Court and its order of perpetual injunction.[141]

Tyler was not long a member of the firm of Lockwood, Tyler & Wallace, for while the January 1856 *Business Directory* carries Tyler's name, later directories list only the firm of Lockwood & Wallace, 185 Kearney 2nd Floor; R. A. Lockwood res. Powell one door from Broadway.[142]

Neither Lockwood & Wallace as a firm, nor Lockwood alone appear as attorneys-of-record in any cases before the California supreme court during the entire year 1856. The reason may well have been that Lockwood, during the latter part of 1855 and substantially all of 1856, was devoting himself largely to the "San Francisco Beach and Water Lots" litigation and title problems on behalf of Edward Field, and to Palmer, Cook & Co.'s financial difficulties occasioned by over-extension and speculation in San Francisco real estate.

Palmer, Cook & Co. had invested enormous sums of money in purchasing, improving and constructing buildings upon a tract of land commonly known as the "San Francisco Beach and Water Lots." This tract, only the inner portion of which was bare at low tide, was situated in a cove or secondary bay on the east side of the city between Rincon Point on the south and Fort Montgomery or Clark's Point on the north. Prior to the discovery of gold in California, the land was considered worthless, but the gold rush encouraged real-estate speculations almost beyond belief as to certainty of profit. Lots (generally 100 varas square), which had been acquired in 1847 and 1848 for as little as $25 each, were traded at $1600 and $1700 in January 1850, at $4000 in May of the same year, $46,000 in July 1851, $80,000 in October of 1851, and reached the astronomical price of $150,000 by January 1853. The partners of Palmer, Cook & Co. succeeded in acquiring title to certain of these lots, and, having done so, they unloaded them upon Edward Field at fantastic profits to themselves.

Field, however, shortly discovered that he had not only purchased these lots at the top of the market but had two expensive lawsuits on hand as well. Pardon G. Seabury, Ward M. Parker, and Henry B. Gifford, likewise claiming title to the same lots, brought two actions of ejectment against Field, and were successful both in the trial court and before the U. S. circuit court. The cases were then appealed by Lockwood to the U. S. supreme court and set for hearing during the December term 1855.

The beach- and water-lot litigation stemmed from the original grant of these lots by Brig. Gen. S. W. Kearny, then governor of California, to the city of San Francisco under date of March 10, 1847. By the terms of Kearny's grant and order, the tract was divided into lots to be sold by the Alcalde at public auction, the proceeds therefrom to be used for the city's benefit. But notwithstanding General Kearny's order, the alcalde continued to grant lots to individual applicants at a fixed price of $25 per lot, according to the system originally adopted by the first American alcalde and followed by his successors in office. On September 25, 1847, Field's predecessor in title made application to Alcalde Leavenworth for certain of these lots, paid the customary price of $25 per lot, and received deeds from the alcalde. Titles so acquired were often termed "alcalde grants." On October 11, 1848, the San Francisco town council adopted a resolution ratifying and approving the grants made by Alcalde Leavenworth during a period when the council was not in session. The lots had passed through several hands, each grantee recording his deed, taking actual possession, and making improvements before Field acquired the title.

NOTES

62. Will E. English, *A History of Early Indianapolis Masonry and of Center Lodge,* p. 29.

63. See 7 *Blackford's Repts.,* 398, 417; and 8 *Blackford's Repts.,* 195.

64. As set forth in 8 *Blackford's Repts.,* 368, 436, 542; and 1 *Carter's Repts.,* 35, 96, 161, 193, 220.

65. Lockwood's Bible, and *Jessup Genealogy.*

66. Hill *vs.* Holloway; *Booth,* p. 489.

67. *Booth, ibid.*

68. See 8 *Blackford's Repts.,* 542; 1 *Carter's Repts.,* 460; 2 *Carter's Repts.,* 126, 166, 205.

69. 1 *Carter's Repts.,* 460. The adverse decision was rendered on Nov. 27, 1849.

70. Suñol et al. *vs.* Hepburn et al., 1 *Calif. Repts.*, 254. Oscar Shuck, "The Early Bench and Bar of San Jose," in *History of the Bench and Bar of California* (Los Angeles, 1901), pp. 1107 ff.

71. Shuck, note 70 above.

72. *Ibid.*

73. H. H. Bancroft, *History of California* (San Francisco, 1884-90), V, 237.

74. *The Treaty of Guadalupe Hidalgo, February 2, 1848*, ed. by George P. Hammond (Berkeley, 1949), pp. 35-37; and Protocol, p. 67. Robert Glass Cleland, *The Cattle on a Thousand Hills* (San Marino, 1941), chap. 1-3 incl., presents a clear summation of the title-problem.

75. Clerk of supreme court of Calif. to present writer, Aug. 29, Sept. 11, 1952. S. Clinton Hastings, at the age of 36, was chosen chief justice by the first legislature, Dec. 20, 1849. Previously he had been chief justice of the Iowa supreme court.

76. Note 75 above.

77. Shuck (note 70 above), p. 258.

78. Swanston & Taylor *vs.* Sublette et al., 1 *Calif. Repts.*, 123. (Action on a $6000 debt.)

79. Grogan & Lent *vs.* Ruckle, 1 *Calif. Repts.*, 158, re-hearing 1 *Calif. Repts.*, 193. (Action on a $1000 promissory note.)

80. Selections (pp. 9-14) from "Diary of 'Judge' Charles E. Huse," ed. and transl. by W. H. Ellison and Francis Price, Santa Barbara Hist. Soc., Santa Barbara, Calif., in whose collection is also the original manuscript, mostly in Spanish.

81. City of San Francisco *vs.* Clark et al., 1 *Calif. Repts.*, 386 (April term 1851).

82. Clark *vs.* McCarthy et al., 1 *Calif. Repts.*, 453 (June term 1851).

83. Richards (note 7 above), Nov. 1938 number, p. 28.

84. R. A. Lockwood to Vigilance Committee, July 7, 1851, reprinted in Mary Floyd Williams, *History of the San Francisco Committee of Vigilance of 1851* (Berkeley, 1921), p. 331 (note).

85. Fred S. Myrtle in "Gleanings from the Bench and Bar," San Francisco *Bulletin*, June 20, 1896.

86. Shuck, (1) *op. cit.*, p. 258; and his (2) *Representative and Leading Men of the Pacific Coast* (San Francisco, 1870), p. 592.

87. As in note 86 above: (1), pp. 261-69; (2), pp. 591-95.

88. *Ibid.:* (1), p. 258; (2), pp. 277-87.

89. For the particulars of this case, see pamphlet, *The Vigilance Committee of San Francisco,* printed in 1852 and containing his speeches in Metcalf *vs.* Argenti et al.; see also Williams, *op. cit.*, pp. 243-44, 329-31, 347; and H. H. Bancroft, *Popular Tribunals* (San Francisco, 1887), I, 308-12.

90. Leroy Armstrong and J. O. Denny, *Financial California* (San Francisco, 1916), pp. 38-40.

91. See pamphlet (note 89 above), p. 47 (ft.note).

92. *Ibid.*, pp. 16-17.

93. Williams, *op. cit.*, p. 330.

94. San Francisco *Herald* (editorial), July 17, 1851; *ibid.*, Aug. 17-25, and Sept. 1-2, 1851; also San Francisco *Alta California*, Aug. 17-25, 1851.

95. Pamphlet (note 89 above), p. 36. Lockwood's efforts were in vain. Whittaker and McKenzie were later retaken by the committee and hanged.

96. Before his death, Lockwood became converted to Catholicism. Whether he had been baptized in the Catholic Church at this time is not known.

97. Pamphlet (note 89 above), pp. 4 and 15.

98. *Ibid.*, pp. 8, 13, 18.

99. Williams, *op. cit.*, p. 340.

100. Williams, *op. cit.*, pp. 329-30.

101. Pamphlet (note 89 above), pp. 31-33.

102. *Ibid.*, pp. 46-47.

103. Williams, *op. cit.*, p. 347.

104. Pamphlet (note 89 above), p. 47.

105. Williams, *op. cit.*, p. 347; see also San Francisco *Herald*, Feb. 20, 1852, and *Alta California*, May 8, 1852.

106. Angelina Duclos *vs.* Peter and John Metcalf.

107. *Booth*, p. 491.

108. George D. Barnes, "Lockwood, The Lawyer," San Francisco *Bulletin*, Dec. 12, 1896.

109. Hammond returned to Terre Haute three years later. See Taylor, note 42 above, p. 735; and William Wesley Woollen, *Biographical and Historical Sketches of Early Indiana*, p. 113.

110. Robert A. Wilson *vs.* John Middleton, 2 *Calif. Repts.*, 54.

111. *Booth*, p. 491.

112. Minute Order, 2 *Calif. Repts.*, 150.

113. 2 *Calif. Repts.*, 265 (note).

114. Shuck, *Representative and Leading Men . . .*, p. 601, contrasts Lockwood and McDougall as advocates.

115. *Booth*, p. 492. See also Elijah R. Kennedy, *The Contest for California in 1861 . . .* (Boston and New York, 1912), p. 116.

116. *Booth*, pp. 492-93.

117. Franklin D. Walker, *San Francisco's Literary Frontier* (New York, 1939), p. 12; also Amelia Ransome Neville, *The Fantastic City* (Boston and New York, 1932), pp. 32-33.

118. Shuck, *Bench and Bar . . .*, p. 259.

119. Josiah Drake and A. S. Burlingame *vs.* Joseph Palmer, Charles Cook and Edward Jones, 2 *Calif. Repts.*, 177 (April term 1852); Palmer Cook & Co. *vs.* William Stewart, 2 *Calif. Repts.*, 348 (July term 1852).

120. Johnson *vs.* The Board of Trustees of the State Marine Hospital, 2 *Calif.*

Repts., 319 (July term 1852).

121. 2 *Calif. Repts.*, 198, 236 (appeal from the fourth judicial dist. court). See also Shuck, *op. cit.*, p. 83.

122. Wilson *vs.* Cunningham and Potter, 3 *Calif. Repts.*, 241 (appeal from fourth judicial dist. court).

123. Carrier *vs.* Brannan, 3 *Calif. Repts.*, 328 (Oct. term 1853. Appeal from superior court of San Francisco).

124. *Booth*, p. 495.

125. Richard P. DeHart (note 3 above), pp. 274-82.

126. *Booth*, p. 495.

127. Richards (note 83 above), p. 31.

128. Barnes, note 108 above.

129. "Early Californians – Ralph [*sic*] A. Lockwood," *Argonaut*, May 5, 1877.

130. Jones *vs.* Post, Upham and Post, 4 *Calif. Repts.*, 14 (Jan. term 1854. Appeal from fourth judicial dist. court); Cook and Jones *vs.* Bonnet, 4 *Calif. Repts.*, 397 (Oct. term 1854. Appeal from superior court of San Francisco).

131. Briefs of the U. S. and of John C. Frémont, from dist. court of the U. S. for the northern dist. of Calif.; before the U. S. supreme court, Dec. term 1854, no. 72. (May be found in vol. 17, no. VII, wills Calif. titles, Huntington Library, San Marino.)

132. John Charles Frémont *vs.* United States, 58 *U. S. Repts.*, 241 (17 *Howard*, 442-76).

133. Bancroft, *California* (note 73 above), VI, 561.

134. Note 132 above. For background on the Mariposas, see Allan Nevins, *Frémont, Pathmarker of the West* (New York and London, 1939), pp. 343, 371, 378-407 *passim*, 446, 462-66.

135. Taney held the Louisiana cases inapplicable, because Spanish grants vested in the grantee only a permissive use of the property, subject to ripening of title upon fulfillment of certain conditions; under Mexican laws, as in the grant to Alvarado, the conditions were imposed subsequently and did not affect the then-present vesting of title. As to uncertainties in the description of the grant, Taney held this objection invalid as between Frémont and the government, although it might be valid if the government had made a specific grant of surveyed land to another individual, and the contest had been between him and Frémont. That Alvarado had (1) failed to take possession of the property, survey it, and build a house within the time specified; and (2) that he had alienated his title by the sale to Frémont, Taney held (1), that since the land lay within the confines of wild Indians, there had been no unreasonable delay in taking possession; and (2), as it was in violation of Mexican laws, the question of alienation could not appropriately be raised. The chief justice answered the contention that Alvarado could not legally sell the property to anyone not a Mexican citizen, by stating that California was in the possession of American forces at the time of the sale to

Frémont, and, as conquered country, was subject to U. S. authority; Mexican laws could, therefore, be abrogated whenever they seemed inconsistent with the rights of American citizens. Further, as to the contention that all gold and silver discovered within the grant belonged to the state and not to Frémont, Taney reminded the attorney general that only the validity of Frémont's title was in question, and any controversy over gold and silver must be settled by another proceeding. In passing, he pointed out that, under Spanish mining laws, the discovery of these metals did not destroy the grantee's title to the land itself.

136. Peter Smith *vs.* P. A. Morse et al., 2 *Calif. Repts.*, 524 (Oct. term 1842).

137. *Booth*, p. 496.

138. Clerk of U. S. dist. court for northern dist. of Calif. to present writer, Aug. 8, 15, 20, 1952; and Aug. 27, 1952, inclosing photostatic copy of first page of roll; also Hon. George Cosgrave (federal judge for southern dist. of Calif.) to present writer, Oct. 3, 1941.

139. *Ibid.*

140. Henry Dopman *vs.* Jacob Hoberlin, 5 *Calif. Repts.*, 412 (appeal from superior court of San Francisco); Joseph C. Palmer *vs.* A. W. Goodwin and George Bowen, 5 *Calif. Repts.*, 458 (appeal from superior court of San Francisco).

141. Dorothy H. Huggins, *Continuation of the Annals of San Francisco* (San Francisco: Calif. Hist. Soc., *Spec. Publ. 15*, 1939), p. 74.

142. San Francisco *Business Directory* for year commencing Jan. 1, 1856, lists Lockwood, Tyler and Wallace, 37, 38 and 39 Montgomery Block, R. A. Lockwood, George Wallace, O. B. Tyler. See also Colville's *Directory and Gazetteer of the City of San Francisco* for year commencing Oct. 1856.

Klamath County, California

By Charles Kasch

The legislature of California created several counties in addition to the now-existing fifty-eight. Some were never organized, and one, Klamath, came into existence, lived for a brief period, and has the distinction of being the only county in the state that was disorganized. It not only went out of existence but it has largely been forgotten, even by persons now living within its original borders who associate the name almost entirely with Oregon.

In 1852, a county was created and given the name "Pautah" — a combination of Paiute (Indians) and Utah (territory). Section 1 of the act defined its boundaries as follows:

> ... Commencing at the northeast corner of Sierra County, thence in a southeasterly direction to the northeast extremity of Pyramid Lake; thence in southeast line to the northwestern boundary of Carson Lake; thence running south to the eastern border of Walker Lake, following said border to the southern limit of said Lake; thence in a southwesterly direction to the southeast corner of Calaveras County; thence following the eastern boundary of Calaveras, El Dorado, Placer, and Sierra Counties to the place of beginning.[1]

The county seat was to be established at Carsonville, now Carson City, state capital of Nevada. Section 2 of the act provided that it should take effect when the U. S. congress ceded to California the area described above. Efforts were made to have this proviso carried out; they were without success, and when the territory of Nevada was organized, all agitation for the new county ceased and the act creating it was repealed by the legislature of 1859.

By another act, approved April 30, 1855,[2] the legislature provided for the organization of the county of Buena Vista. It was to include all that portion of Tulare County situated south of the line dividing townships 21 and 22 S. An election was to be called upon petition of a majority of the qualified voters of the new county of Buena Vista, and also by a majority of the qualified voters of the counties of Buena Vista and Tulare combined. These petitions were never filed and hence the new county was never organized. However, the county of Buena Vista is shown on an early map of California, now preserved under glass by E. D. Coblentz at his ranch home in the Sonoma Valley.

As stated above, Klamath County, California, has the distinction of being the only county of the state ever to be disorganized. To some motorists, driving up the redwood highway and seeing the sign "Klamath River" for the first time, the word seems to imply that here is the gateway to dark and dangerous territory—in contrast to the many Indian words in the Klamath country which have great euphony, such as Hoopa, Mettah, Peckwan, Terwah, Ah Pah. But the word is actually without unpleasant implications. The anthropologist, A. L. Kroeber, considers Klamath a derivative of "Athlameth," and calls it either the Lutuami word for people, or the Chinook name of the group.[3] The changes the word has undergone may be followed in letters, reports, etc., and on maps; viz., John McLoughlin, chief factor of the Hudson's Bay Co.'s Columbia district, writing to his superiors in 1826 and 1827, speaks of the "Clamet" country;[4] and on Albert Gallatin's map of the Indian tribes of North America "about 1600 A. D. along the Atlantic and about 1800 A. D. westwardly" (included by Dale L. Morgan and Carl I. Wheat in their *Jedediah Smith* . . .),[5] one can plainly distinguish "Clamouths" in the area associated with the Klamath Indians. Two later maps in the same volume, namely Charles Wilkes' Upper California (1841) and his Oregon territory of the same year, show the river as "Klamet," the scale of the Oregon-territory map permitting likewise the labeling of "Great Klamet" and "Little Klamet" lakes.

Northwest California is rugged, wild, and wet. The state division of water resources reports that forty per cent of our water is in this area. Smith River, the Klamath, Salmon, Trinity, Redwood Creek, Mad River, the Eel, Mattole, Van Duzen, and numerous smaller streams carry the torrential rains to the sea. Hills and canyons are heavily timbered with redwood, Douglas fir, spruce, pine, and hemlock, with underbrush so dense in large areas that penetration is virtually impossible.

Early trails became roads, but they were steep and tortuous, deep with mud in winter and deep with dust in summer. Until the railroad was completed (1915), Eureka, the largest city in northwest California, was an island in the land, 275 miles from San Francisco. It might have been a true pelagic island 275 miles from shore, judging by the infrequency of passenger vessels.

There was none of the so-called "romance" of early California in the northwest portion. A Spanish flag flew briefly on Trinidad Head, when a Spanish explorer erected a cross there on June 9, 1775.[6] But there were no missions, no Russian, Mexican and Bear flags, no Stanford, Huntington, Crocker, Sutro nor Sutter; no Broderick nor Terry nor Field. At the time of the first "statewide" election held in California in August 1849, the residents of the north did not participate, as no election precincts had been established for them. In fact there were very few people in the northern area, other than Indians with a marked tendency to raid the whites. The mines on the Klamath, Trinity, and Salmon rivers, and in the black sands of Gold Bluff and Little River Beach were not rich, as were those of the mother lode and the Comstock. Lumbering and fishing as later developed were non-existent, and farmers were far from markets except those tributary to the mines. But this vast area within the state of California could not continue as a no-man's land[7] without a government.

Thus it was that when the state was divided into counties by the act of February 18, 1850, the entire northern portion was comprised within two counties, Shasta on the east and Trinity on the west. The size of this area can be understood when it is realized that these two counties included what is now Del Norte, Trinity, Humboldt, Siskiyou, Modoc, Lassen, Shasta, and part of Butte.

Section 23 (p. 62) of the act of 1850, creating Shasta County, established the boundaries as follows:

> ... Beginning on the summit of the Coast Range in latitude forty-two degrees north, and running thence due east to the northeast corner of the State; thence due south, following the boundary of the State, to the northeast corner of Butte County; thence, following the northwestern and northern boundaries of Butte County, to the Sacramento river; thence in a due west direction along the summit of the Coast Range; thence in a northeasterly direction, following the summit of said range, to the place of beginning. The Seat of Justice shall be at Reading's Ranch.

Section 24 of the same act created Trinity County:

> ... Beginning on the parallel of forty-two degrees north latitude at a point in the ocean three English miles from shore, and running due east on said parallel to the summit of the Coast Range; thence in a southerly direction to the parallel of forty degrees north latitude; thence due west to the ocean, and three English miles therein; and thence in a northwesterly direction, parallel with the coast, to the point of beginning. This County shall be attached to Shasta County until a County government shall be organized in a manner to be prescribed by law.

A year later (1851), Klamath County was provided for:[8]

> The county of Klamath. Beginning at a point in the ocean, three miles due west of the mouth of Mad river, and running thence due east along the north line of Trinity county to the summit of the coast range; thence in a northerly direction along the summit of said coast range to a parallel of forty-two degrees north latitude; thence due west to the ocean, and three miles therein; thence in a southeasterly direction parallel with the coast to place of beginning.
>
> The seat of Justice shall be at such place as may be chosen by the qualified electors of the County at the first County election.

Klamath County's life span extended over a period of twenty-three years, without fulfillment of the early hope that the mines might, after all, prove to be rich. Instead of mining, the economy of the area now depends in great measure upon timber products.

By legislative act approved May 12, 1853, Trinity County was subdivided, the westerly part being organized into Humboldt County and the easterly retaining the name of Trinity. The boundaries of Humboldt were set as follows:

> . . . Commencing on the north at a point in the ocean three miles due west of the mouth of Mad river; thence due east from the point of beginning to the Trinity river; thence up the Trinity river to the mouth of South Fork of said Trinity river, running along the eastern side of the said South Fork, one hundred feet above high water mark, to the mouth of Grouse creek; and thence in a due south direction to the fortieth degree of north latitude; and thence due west to the Pacific ocean, and three miles therein; and thence north to the point of beginning.

Thus, into the northern area of the state were fitted the counties of Klamath, Siskiyou, Humboldt, Trinity, and Shasta.[9]

It should be pointed out that acts amending the series of acts dividing the state into counties were frequent, but the transcriptions of the original boundaries given here will serve to emphasize the complexity of the terrain and the consequent loopholes for boundary alteration. (The reader may notice that capitalization and punctuation, in committing the boundaries to print, seem to have differed with the different printers.)

The act that created Klamath County had provided for the holding of an election in June 1851. At this early date, however, means of communication with the northwest country were exceedingly slow, and, by the time news of the projected election arrived, there wasn't time for registration of voters, nor could ballots be printed because there were no printing presses available.[10] Nevertheless the election was held, without registration and without printed ballots. No voter was challenged, nor was the election of any candidate contested. Indicative of the caliber of the candidates, Walter Van Dyke, elected district attorney of Klamath County, was subsequently assemblyman, district attorney of Humboldt County, superior court judge in Los Angeles County, and a justice of the supreme court of California.

With the county organized by this election, the seat of government was established at Trinidad. But in 1853 the town of Crescent City was laid out and immediately enjoyed a boom, far outstripping Trinidad in population. The new city demanded the county seat; the county judge and other officials moved there, with the result that the next year the legislature officially made Crescent City the county seat.

As mentioned previously, Klamath County, and particularly Crescent City and its environs, were in continuous danger from hostile Indians. To protect themselves, the residents formed several militia companies, composed largely of miners, mechanics and merchants, and varying in strength from 35 to 97 men. The companies elected their officers, but the adjutant-general of California furnished arms and ammunition when it was possible to procure such supplies from the federal authorities. Official adjutant-general records show that the following volunteer militia companies were organized in Klamath County:

Unit	*Location Town*	*Date of Organization*	*Date of Mustering Out*
Coast Rangers	Crescent City	May 13, 1854	1855
Klamath Mounted Rangers	Crescent City	June 5, 1854	1861
Klamath Rifles	Young's Ferry	Jan. 11, 1855	May 26, 1855
Union Volunteers	Union	Jan. 22, 1855	March 23, 1855
Salmon Guard	Sawyer's Bar	Sept. 11, 1855	1861
Mounted Coast Riflemen	Crescent City	Nov. 3, 1855	1861
Crescent Rifles	Crescent City	April 15, 1856	1861
Citizens of Crescent City	Crescent City	May 3, 1856	June 3, 1856

It will be noted from the above that the "Citizens of Crescent City," authorized by a special act of the legislature of March 12, 1856, was in existence for a period of one month, and the cost to the state of California for their one-month's service was $6190.07. During that period they killed four Indians, wounded one, and captured one squaw who later escaped, but it was the opinion of the quartermaster and the commissary that the presence of the company had saved the inhabitants from being murdered and their property from being destroyed.[11]

Dissatisfaction having arisen in the mining area over the choice of Crescent City as the county seat, a county election was held, with a majority favoring Orleans Bar as the seat. The costs of this victory outweighed the gains, however, for in 1857 Del Norte County was created with Crescent City as the county seat.[12] The boundaries of the new county were defined as follows:

> ... Commencing at a point in the Pacific Ocean, three miles from shore, on the forty-second parallel of north latitude, and running thence southerly three miles from shore, to a point one mile south of the mouth of Klamath river; thence easterly, on a line parallel with said Klamath river, to a point one mile south of the mouth of Blue Creek; thence in a northeasterly direction, to the summit of Siskiyou mountains, thence in an easterly direction following the ridge that divides the waters of Clear Creek from the waters of Dillon's Creek, to the Klamath river, at a point equi-distant from the mouth of said Dillon's Creek, and the mouth of said Clear Creek; thence across the Klamath river, and in an easterly and northerly direction to said Klamath river, at the head of the Canon, (said Canon being about five miles above the mouth of Indian Creek, and between Eagle Ranch and Johnson's Ranch,) following the ridge of the mountain, and heading the waters that flow into said Klamath river, on the south side, between the two points last mentioned; thence crossing the river, and in a northerly direction, following the ridge dividing the waters that flow into the river above, from the waters that flow into the river below the place of crossing to a point on the forty-second parallel of north latitude, due north from the head of said Canon, and thence west to the place of beginning.

From even a cursory reading of the above, one can imagine that a surveyor might be considerably puzzled if called upon to locate the boundaries on the ground.

Geographically, Klamath County was divided into three parts: (1) a narrow section of coast line from Mad River to a short distance south of the Klamath, an area that even today is not rich in farming land; (2) the mining areas on the Klamath River near Orleans, and on the Salmon at Sawyers Bar and Forks of Salmon, which were far from possessing qualifications as a mother lode; and (3) in between were hills and canyons and ravines, heavily timbered and with undergrowth tropical in density. Orleans Bar was a county seat with no radiating roads, only a wild river and mountain trails, namely, one trail from Arcata, a second from Trinidad, and an ancient Indian trail up Boyes Creek above Orick.

The question of disorganization was seriously considered as early as 1871. With a reduced population and a low assessed value, it was a great burden to maintain a county government. The county debt was $23,950, and was increasing annually. This condition has been said to have arisen because of extravagant and corrupt government,[13] but no evidence has been found to support the charge. Between 1861 and the date of the election to disorganize in 1874, Klamath County had a highly efficient and thoroughly honest sheriff, one who believed in the enforcement of the law, and if there had been corrupt government in the county during that period there is little question that the sheriff would have acted promptly. T. M. Brown was elected sheriff of Klamath County in 1861, and continued in office until the county was disorganized. He then became a citizen of Humboldt County, where he was elected sheriff in 1877. From that time, eleven elections for sheriff were held; he was chosen each time, and held office until his death in 1907. Contrary to the usual practice of electing county officers along party lines, this pioneer sheriff, though a Democrat, was repeatedly re-elected in the heavily-Republican county of Humboldt.

In 1872, a bill was introduced in the legislature to submit the question of disorganization to a popular vote, but it failed of passage. In 1874, a petition was presented to the legislature from Klamath County that it be disorganized and partitioned to Siskiyou, Trinity, Humboldt, and Del Norte counties. However, the bill, as introduced, provided for annexation to Humboldt and Siskiyou. There was remonstrance from Klamath, as the county seats at Eureka and Yreka were almost inaccessible in winter.

Humboldt approved of the annexation of the westerly portion, but Siskiyou objected, and when the bill finally came from the legislature, it provided for an election to be held in Siskiyou County on the question of annexation of a portion of Klamath County, and, if the result was favorable, the act was to take effect.[14]

The campaign on the question of annexation opened. The Democrats controlled Siskiyou by a small majority; the area in question had a large Democratic majority. Consequently the Republicans claimed that annexation was a Democratic scheme to retain control of the county. It was also claimed that annexation would make the western part of the county so strong that the next move would be to take the county seat of Siskiyou away from Yreka and locate it in Scott Valley.

The election was held on May 30, 1874. One thousand and twenty-one votes were cast, of which 529 were for annexation and 492 against. Thus the proposal carried by a majority of 31 votes.[15] But the battle was not over, not for two years.

A suit was brought in the California supreme court to test the constitutionality of the act, on the ground that the legislature had no authority to call an election as it was a delegation of its powers. The county judge issued an injunction restraining the supervisors from taking any action until the decision of the supreme court was rendered. The commissioners met at Orleans Bar on August 24, 1874, but could do nothing as they were refused access to the books of the treasurer.

In March 1875 came the decision of the supreme court sustaining the constitutionality of the act.[16] Nevertheless the conflict continued. A meeting between commissioners of Siskiyou and Humboldt, for the purpose of dividing the county, was arranged for October, but the Siskiyou commissioners failed to attend. In an attempt to settle the difficulty, a bill was introduced in the legislature by Assemblyman Jonathan Clark of Humboldt County authorizing the Humboldt supervisors to apportion the debt of Klamath County and make it obligatory upon Siskiyou to assume the portion assigned to it. The bill provided further for a tax in both counties to pay the Klamath County bonds; and transfer of causes was to be to the courts of Humboldt County. Assemblyman G. F. Harris of Siskiyou County thereupon submitted a substitute, which differed from the original bill by placing the settlement and apportionment in the hands of four commissioners, two from each county; it provided also for the sale of the county real estate at auction. As amended, the act passed and became a law on March 31, 1876. The provisions of the partition were carried out by the commissioners, and thus, after a period of approximately two years of virtual anarchy, there was again government in the area that was once Klamath County.[17]

In the light of subsequent events, Siskiyou gained little by the partition, but Humboldt profited greatly as it received the heavy stands of redwood, fir, and spruce in the coastal strip of former Klamath County, including the beautiful forest that is now Prairie Creek state park.

NOTES

1. *Statutes of California* (hereafter referred to as *Calif. Stats.*), 1852, p. 193. In the repealing act (*ibid.*, 1859, p. 186), the name is spelled "Pa-Utah."

2. *Ibid.*, 1855, pp. 203-205.

3. A. L. Kroeber, *Handbook of the Indians of California* (Washington, D. C., 1925), pp. 318, 895.

4. *The Letters of John McLoughlin ...* (London, 1941-44), 1st ser., pp. 33, 44.

5. Dale L. Morgan and Carl I. Wheat, *Jedediah Smith and his Maps of the American West* (San Francisco: Calif. Hist. Soc., *Sp. Publ.*, 1954), opp. pp. 20 and 24; and back-cover pocket.

6. H. H. Bancroft, *History of California* (San Francisco, 1886-90), I, 242.

7. *History of Humboldt County* (San Francisco: Wallace W. Elliott & Co., 1881), p. 107.

8. *Calif. Stats.*, 1851, p. 180.

9. *Ibid.*, 1853, pp. 161-62.

10. Walter Van Dyke, "Early Days in Klamath," *Overland Monthly*, Aug. 1891, pp. 174-81, esp. p. 177.

11. Col. N. O. Thomas, spec. assist. to adj.-gen. of Calif., to Charles Kasch, Sept. 8, 1954; also, Van Dyke, *op. cit.*, pp. 179-80.

12. *Calif. Stats.*, 1857, pp. 35-39. Fifteen years later, Humboldt, Siskiyou, Klamath and Del Norte forgot their differences long enough to join Alameda County in preventing "the propagation of the Scotch or Canadian thistle." *Ibid.*, 1871-72, p. 214.

13. Owen C. Coy, *Guide to the County Archives of California* (Sacramento, 1919), p. 221.

14. *Calif. Stats.*, 1874, p. 755.

15. *History of Siskiyou County* (Oakland: D. J. Stewart & Co., 1881), pp. 68-69.

16. People *v.* Nally, 49 *Calif. Repts.*, 478.

17. *History of Siskiyou County*, *op. cit.*, p. 70.

News of the Society

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To honor the following living persons, friends of the Society have made substantial monetary or other gifts:

Tamara Brown
Kenneth Michael Mackenzie
Lewis Madison Terman
Edna Martin Parratt

Book of Remembrance

On view in the Society's library is a finely bound "Book of Remembrance," recording the names of persons in whose memory contributions have been made to the Library Fund for the purchase of books and manuscripts. As each item is purchased, it becomes a part of the library, and has affixed to it a bookplate, perpetuating the memory of the individual honored, and bearing, as well, the donor's name. Below are the names that have been inscribed since the commencement of the memorial, arranged by year of gift.

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1947

Edna Rodden Martin
Albert Leslie Oliver

1948

Mrs. H. Spens Black
Edwin T. Blake
Helen Kinsell
William C. Latham
M. Hall McAllister
Ruby McCormick
F. J. Morin
Frank M. Ogden
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George A. Pope
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Edward J. Sheppard
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1949

Oscar Thomas Barber
Edward Washington Bender
Lilian Hoogs Blaisdell
Hope Bliss
Philip Read Bradley
Eldridge Ayer Burbank
John R. Burns
Rumsey Campbell
Randolph Clement
Abraham Lincoln Danziger
Edward B. Field
Morton R. Gibbons, M.D.
Abraham P. Hankes
Thomas Norman Harvey
Virginia Utz Jobe
Arthur C. Kennedy
George Dunlap Lyman, M.D.
La Verne Scott Moss
Whitney Palache
Robert J. Parker
Ann May Perry
Mabel Gray Potter
William C. Sharpsteen
John Joaquin Smith
L. Deming Tilton
Harry C. Warren, M.D.
Ray Lyman Wilbur, M.D.

1950

Harvey Wetmore Beard
Katharine Esther Bennitt
George Mackey Cornwall
William M. Gilliland
Eliza Jane Gilman
Olive Martha Gould
Emelyn West Knowland
Ethel A. Krook
Abbie Hyde Lewis
James L'Hommedieu
Helen Flint Lyman
William O'Hara Martin
Haig Patigian
Barbara Peters
Minna Dohrmann Pischel
Margaret James Porter
Frederick Ortman Shumate, M.D.
J. D. Sweeney
Dixon Wecter
Betty Loren Whitsell

1951

M. Marian Atkins
Julia Stamper Berman
Edith Ward Berwyn
Clarence Leo Best
Eleanor Smith Boone
Frances Des Marais Brogan
Ella M. Brooke
Glada V. Elden
Edward Lilburn Eyre
Estelle Lyon Fay
Lowell E. Hardy
Grant James Hunt
Emma T. Kessler
Eva M. Koch

Richard Henry McCarthy
Arthur S. Maloon
Emily Oliviera
May Hawley Patterson
Mrs. Baltzer Peterson
Julia D. Sammer
Louis F. Sinsheimer
Henrietta L. Stadtmuller
Herbert F. Suhr

1952

Mrs. Marcus P. Bennett
Jessie Vaughan Harrier
Margaret N. Hart
Flodden W. Heron
Elizabeth Thacher Kent
Douglas Stuart Loud
Jean Parker McEwen
Irving Martin
George Lovett Merwin
C. O. G. Miller
John J. Newbegin
Frank H. Norcross
Thomas Wayne Norris
Thomas L. Phillips
Ruth Loring Richardson
Warren Russell
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Willard Brown Thorp
Gordon F. Williamson
Willis A. Zane
Gonzalo Zapata

1953

Frank H. Allen
Arthur John Bancroft
Francis Edward Bishop
Herbert Eugene Bolton
Charles Philip Boone
Marie Wilson Bradley
Paul W. Brannon
Arthur H. Breed
LeRoy H. Briggs, M.D.
Katherine Thayer Cate
Bessie Hobart Chapman
Frederick Herman Coon
Florence Osterero Cullen
Lilly E. Davis
Jerry W. DeCou
Alice Eastwood
Maude Wyman Eberts
Paul Eliel
George August Fuhrig
Robert B. Gaylord
Frank Carroll Giffen
Mary Glide Goethe
Irene L. Goudey
Mabel L. Holmes
Frederick B. Kellam
George E. Kennedy
William James Laing
Winifred M. Menzies
Helen Knox Merwin
Olga M. Meyer
Katharine Hutchinson Post
J. Sheldon Potter
Laura Carmany Rulofson
Gertrude Miller Simmons
Lynn Townsend White

1954

Joseph Emmanuel Anderson
Rae Griswold Behrens
Leonard W. Buck, M.D.
William W. Carruth
Isaac Flint Chapman
Lilian A. Cross
Helen Richardson Espy
Minnie Walker Engs
Charles Francis Griffin, M.D.
Frederick Harvey
Armand Leon Hering
Emily Coey Hittell
Mary Pardow Hooper
Caroline Lendelof Johnson
Gerald Driscoll Kennedy
Charles M. MacGregor
James H. McDonough
John Ward Mailliard, Jr.
Ruth Comfort Mitchell
Ruby Muther
Martha Lamberton Osmer
William G. Paden
Paul P. Pitchlynn
Ida M. Reed
Thomas M. Robinson, Jr.
William Henry Shine
Willard O. Wayman

1955

Thomas P. Bacon
Isabelle Ball
Ralph Perry Chessall, D.D.S.
Ernest Frank Eckhardt

Roy S. Folger
Lutie D. Goldstein
William Dunn Henley
Joseph Henry Jackson
Dudley Kinsell
Jean Howard McDuffie
Blanche Baldwin McGaw
Eileen Leonard McInerny, M.D.
John A. McNear
James Kennedy Moffitt
Edwin Letts Oliver
Elizabeth Keith Pond
Frank J. Reagan
Mrs. Mark Requa
William Ely Stewart
Reuben Lukens Underhill
Eugenia Kendrick Vaughan
Uda Waldrop
Charlotte Anita Whitney
Otis Buckminster Wight, M.D.

In Memoriam

JOSEPH HENRY JACKSON

The remarkably full professional life of Joseph Henry Jackson was devoted to the world of books, at whose west coast center he long stood as the major man in all matters of literary criticism and reception. With his sad and sudden passing at the age of fifty-nine, on July 15, 1955, the literary scene of this country and of this coast in particular lost a commanding figure.

So thoroughly was Joseph Henry Jackson identified with California and the west as person, critic, and historian, that it is not generally remembered that he was born and reared in New Jersey. He graduated from Peddie School at Highstown, New Jersey, which in 1955 honored him for his many achievements, and he later attended Lafayette College in Pennsylvania. After service as a lieutenant in the U. S. army during the First World War, Mr. Jackson came to San Francisco in 1920. Within a few months he became associated with *Sunset,* at that time a literary journal, and he was its editor from 1926 to 1928. For a year thereafter he served as literary editor of *The Argonaut.* In addition to his writings about books, he brought news of them by word of mouth to the enormous audience that followed his weekly radio talks for the National Broadcasting Co. This unique program, begun in 1924, remained unsponsored at Mr. Jackson's request, but continued until 1942 as the longest sustained coast-to-coast program on the air.

In 1930 Joseph Henry Jackson began an association of nearly twenty-five years with the San Francisco *Chronicle,* making his part of the paper one of the fullest and most respected literary sections of the nation. To its pages he contributed a steady stream of reviews, whose high level of judiciousness and perception was constant despite the pressure under which he wrote a daily review (later reprinted in the Los Angeles *Times*), directed the large Sunday sections and the special issues on children's books and publications at Christmas time, prepared a weekly column of literary news, and generally wrote a long review that headed his Sunday section. Some of these reviews, like those on works of Steinbeck, Saroyan, and other authors he early recognized, were far beyond journalistic stints and took their place as brief but cogent pieces of literary criticism.

In addition to the enormous amount of writing that Mr. Jackson did for the *Chronicle,* he somehow found time for the articles that appeared in *Harper's,* the *Atlantic Monthly,* and other national journals, and even the time to create his own books. Altogether there were fifteen books that Joseph Henry Jackson wrote, edited or introduced in fewer than twenty-five years. Their nature and subject matter were remarkably various, reflecting his own wide interests and tastes. They included the delightful travel accounts, *Mexican Interlude* and *Notes on a Drum;* the children's story, *Extra! Extra!;* the charming tale, *The Christmas Flower;* the personal impressions of his adopted city, *My San Francisco;* a collection of *San Francisco Murders;* and such sensitively selected anthologies as *The Western Gate* and *Gold Rush Album.* But his most solid and substantial books were the fine flavored and carefully studied works of history that included *Anybody's Gold; Bad Company,* the story of California's legendary and actual outlaws; and the lengthy and definitive introduction to his edition of *The Life and Adventures of Joaquin Murieta.*

Besides all his writing for newspapers, magazines, and books, Joseph Henry Jackson aided the cause of letters in many other ways. He was one of the most trusted literary judges of the country, serving on the juries of the Pulitzer prize, the O. Henry memorial awards, the Harper prize novel, the Albert M. Bender grants-in-aid, the Phelan award, and the Commonwealth Club awards. His time was also given to local organizations, such as the California Historical Society, of which he was a valued member for ten years; to the Bohemian Club; to the Book Club of California, for which he edited several series of *Keepsakes* and to whose board he long contributed ideas for publication; and to the Bancroft Library of the University of California, on whose council of "Friends" he served and of which he was an honorary curator.

Despite this prodigious professional activity, Joseph Henry Jackson was no more rushed in his personal life than he was hasty in his literary judgments and his meticulous manner of stating them. He always had time to give to young writers and to his readers; he was easy and witty as a raconteur of humorous stories and local legendry; he moved gracefully as a true gentleman in his social activities; and, all in all, he savored life as he did the fine wines of which he was an acknowledged connoisseur.

The loss of Joseph Henry Jackson to his family — his wife, Charlotte Cobden Jackson; his daughter Marion, Mrs. David Skinner; and his grandson, Matthew Skinner — is a great one, but all the literary world and his many friends in the San Francisco Bay region and throughout the nation share it.

James D. Hart

JAMES KENNEDY MOFFITT

On August 16, 1955, James Kennedy Moffitt died at his home in Piedmont, California, at the age of eighty-nine. This man of letters, business, and finance had a remarkable career, which can be only touched on here.

Born in San Francisco, November 15, 1865, and the son of James Moffitt, one of the founders of Blake, Moffitt & Towne, he had been actively identified with the company for sixty-nine years. He joined the organization upon graduation from the University of California in 1886, and soon thereafter became the firm's manager at Los Angeles. In 1894 he returned to San Francisco to enter the First National Bank, now the Crocker First National Bank, of which his father had also been a founder. His interest in the paper business continued, and at the time of his death he was president of Blake, Moffitt & Towne, a position he held for twenty-eight years.

Mr. Moffitt was widely known and respected as a financier, serving as board chairman and later executive committee chairman of the bank. In addition to banking and the paper business, he was a director of the Schmidt Lithograph Co. and of the California Insurance Co. He also served as treasurer of the Commonwealth Club, and maintained active membership in the Society of California Pioneers, in the California Historical Society (of which he was a sustaining member), and in the University Club.

Chief among his other interests was the University of California, to which he rendered distinguished service in many ways. For a two-term period of thirty-six years as a member of the board of regents, he made significant contribution of services to his alma mater, during which he was head of the finance committee and later chairman of the board. Among his closest friends were a number of the members of the faculty of the university, in whose scholarly company he found congenial fellowship.

The breadth of Mr. Moffitt's civic activities may be indicated by the fact that he was a founder and president of the San Francisco Community Chest, and that he was responsible for bringing the Junior-Achievement movement to the Pacific coast.

In his library and garden in Piedmont, he found refreshment from a busy work-week schedule. His tastes and interests led him to assemble one of the largest and most important collections of incunabula in the west, and a beautiful garden always bore evidence of his own care and skill.

Mr. Moffitt married Miss Pauline Fore, member of a socially prominent family in Oakland. Her death occurred in June 1948. Of their two children, Genevieve, the wife of Malcolm S. Watts, M.D., of San Francisco, survives Mr. Moffitt, as do his four grandchildren — the two sons and two daughters of Dr. and Mrs. Watts. Mr. Moffitt's sister, Mrs. John H. Lynch, lives in Ridgefield, Connecticut.

A man of modest manner, but possessing a wealth of human kindness, he was well described by Robert Gordon Sproul, president of the University of California, in bestowing upon Mr. Moffitt an honorary LL.D. degree some years ago, as "a citizen ever seeking the public weal yet shrinking from public recognition; a scholar . . . a philanthropist who abhors waste yet is generous to a fault; one who in his simplicity, integrity and loyalty embodies the finest traditions of American democracy. . . ."

ARTHUR W. TOWNE

GIFTS RECEIVED BY THE SOCIETY

June 1 to September 15, 1955

Berkeley
- Mrs. Anson S. Blake
- Mr. and Mrs. Ralph H. Cross, Sr.
- Ralph H. Koeber
- Mr. and Mrs. Hobart M. Lovett
- Mrs. William Newton
- Miss Mabel Symmes
- Mrs. Clotilde Grunsky Taylor
- Miss Emily Turner

Carmel
- Louis J. Stellman
- Mrs. Clinton Walker

Claremont
- Robert J. Bernard

Fairfield, Conn.
- Erik Hildes-Heim

Fresno
- Academy Library Guild

Grass Valley
- Mrs. Edna D. Sampson

Hollister
- Harry J. Breen

Los Angeles
- Bekins Van and Storage Company
- Stuart O'Melveny
- Mrs. Requa Russell
- Justin G. Turner

Los Banos
- Ralph L. Milliken

Miami, Florida
- Gaines R. Wilson

Mills College
- Lynn T. White, Jr.

Montreal, Canada
- The Bell Telephone Company of Canada

Oakland
- Donald E. Cameron
- Mrs. Ralph Coffey
- Peter T. Conmy
- Harold C. Holmes
- The Holmes Book Company
- Mrs. Edward A. Howard

Orinda
- Mr. and Mrs. H. Burt McFarland

Palo Alto
- George L. Harding

Pasadena
- Charles Yale, Bookseller

Petaluma
- Duncan H. Olmsted

Sacramento
- Sherrill Halbert

San Bernardino
- L. Burr Belden

San Diego
- Bertram Bradt Moore

San Francisco
- James Abajian
- Mrs. E. P. Ackerman
- Mrs. S. W. Beaumont
- K. K. Bechtel
- Blyth & Company, Inc.
- Mrs. Angus G. Boggs
- Mrs. Avis Yates Brownlee
- George H. Cabaniss, Jr.
- Mrs. M. Donohoe Carter
- W. W. Chapin
- Henry C. Collins
- Commonwealth Club of California
- Laurence V. Degnan
- Mr. and Mrs. Clinton deWitt
- Roy Doud
- Aubrey Drury
- Miss Florence Hazard
- Harry H. Hilp
- John Howell Bookstore
- Warren R. Howell
- Industrial Indemnity Company
- Mrs. Ira Kahn
- Lawton R. Kennedy
- Miss Marion Leale
- A. T. Leonard, Jr., M.D.
- R. E. Lewis, Inc.
- Walter S. Martin
- Mechanics' Institute of San Francisco
- Garfield D. Merner
- Metropolitan Life Insurance Company
- David F. Myrick
- Melville C. Nathan
- Mrs. Thomas Parker

Parrott & Company
Henry L. Perry
Mrs. Samuel Pond
The Porpoise Bookshop
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Charles Schultz
Nelson Towne Shaw
Albert Shumate, M.D.
Miss Mildred Smith
Mrs. Theresa A. Sparks
Spreckels Realization Company
Miss Gay Talmage

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Somerset
Charles G. Nash
Tucson, Arizona
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Visalia
Claud H. Grant

Recent Californiana

A Check-List of Publications Relating to California

An Englishman. 1830; On the Ambitious Projects of Russia in Regard to North West America, with Particular Reference to New Albion & New California. By an Englishman. [San Francisco] Book Club of California, 1955. 79 p. Map. [$7.50 to Club members]

Baer, Kurt. Painting and Sculpture at the Mission Santa Barbara. Washington, D. C., Academy of American Franciscan History, 1955. xx, 244 p. Illus., ports. $5.00.

Burnie, R. H. Small California and Territorial Gold Coins; Quarter Dollars, Half Dollars, Dollars. [Pascagoula, Miss., Author, c1955] vii, 96 p. $4.60.

[Citizens National Bank of Claremont, pub]. Claremont Then and Now. [Claremont, c1954] 22 *l.* Illus., ports. [Apply to publisher]

Colton, Walter. Glances into California. Los Angeles, Dawson, 1955. xxv, 43 p. $10.00.

Croy, Homer. Wheels West. N. Y., Hastings House [c1955] xii, 242 p. $3.75.

Dickson, Samuel. The Streets of San Francisco. Stanford, University Press [c1955] 186 p. Illus. $4.00.

Dwyer, John T. One Hundred Years an Orphan; St. Vincent's, San Francisco's Home for Boys at San Rafael, 1855-1955. [Fresno, Academy Library Guild, c1955] 159 p. Illus., ports. $3.00.

Evans, Henry H. Curious Lore of San Francisco's Chinatown. San Francisco, Porpoise Bookshop, 1955. 31 p. Illus. 25 cents.

Graebner, Norman A. Empire on the Pacific; a Study in American Continental Expansion. N. Y., Ronald Press [c1955] ix, 278 p. Maps. $4.50.

Hancock, Ralph. The Forest Lawn Story. Los Angeles, Academy Publishers [1955] 160 p. Illus. [Apply to publisher]

Lewis, Oscar. High Sierra Country. N. Y., Duell, Sloan and Pearce [c1955] ix, 291 p. Map. $4.50.

McCracken, Harold. Walks Like Man; the Story of the Grizzly Bear. Garden City, N. Y., Hanover House [c1955] 319 p. Illus., ports. $4.50.

Margo, Elisabeth. Taming the Forty-Niner. N. Y., Rinehart [c1955] x, 245 p. Illus., port. $3.75.

Maxwell, Richard T. Visit to Monterey in 1842. Ed. by John Haskell Kemble. Los Angeles, Dawson, 1955. 40 p. [Apply to publisher]

Mechanics' Institute of San Francisco. 100 Years of Mechanics' Institute of San Francisco, 1855-1955. San Francisco, The Institute [1955] 46 p. Illus. [Apply to publisher]

Moore, Bertram Bradt. Garrett Garreon Bradt, 1827-1902; Pioneer and Builder of San Francisco and San Diego. [San Diego, Author, 1955?] 13 *l.* Illus., ports. [Apply to author, 448 West Laurel St., San Diego 1]

Palou, Francisco. Life of Fray Junípero Serra; translated & annotated by Maynard L. Geiger. Washington, D. C., Academy of American Franciscan History, 1955. xxx, 547 p. Illus., map, port. $8.50.

Parrott & Company. A Chronological History of the First Hundred Years, 1855-1955. San Francisco [The Company] 1955. 35 p. Illus., ports. [Apply to publisher]

Price, Sophie. The Sacramento Story. N. Y., Vantage Press [c1955] 80 p. Illus. $2.50.

Ray, Herndon Carroll. Stanislaus County, 1854-1954; a Century of Growth. [Modesto, County Superintendent of Schools] 1955. 55 p. Illus. [Apply to publisher]

Rudkin, Charles N. Camille de Roquefeuil in San Francisco, 1817-1818. Los Angeles, Dawson, 1954. x, 83 p. $7.50.

Scott, Walter. Death Valley Scotty Rides Again; Tales Told by Death Valley Scotty, Winter of 1952-1953, at Scotty's Castle. By Earl C. Driskill. [Death Valley? 1955] 59 p. Illus.

Sparks, Theresa A. China Gold. Fresno, Academy Library Guild, 1954. xii, 188 p. Map, ports. $3.50.

Wallace, Edward S. The Great Reconnaissance; Soldiers, Artists and Scientists on the Frontier, 1848-1861. Boston, Little, Brown [c1955] x, 288 p. Illus., map, ports. $4.00.

Wheat, Carl I. The Bancroft Library, Whence-What-Whither; an Address Delivered ... May 22, 1955, Before the Friends of the Bancroft Library in Commemoration of the 50th Anniversary of Its Acquisition by the University of California. Berkeley [Privately printed] 1955. 18 p.

White, Charles. Letter from San Jose, California, March 18, 1848. Los Angeles, Dawson, 1955. 4 *l.* $5.00.

Wood, Richard Coke. Calaveras, the Land of Skulls (The Calaveras Country). [Sonora, Mother Lode Press, 1955] vii, 158 p. Illus., ports. $5.00.

Zamorano Club of Los Angeles, pub. The Published Writings of Henry R. Wagner. Issued by the Zamorano Club of Los Angeles at the First Far Western Meeting of the Bibliographical Society of America, Held at the Henry E. Huntington Library on August 27, 1955, in Honor of Henry R. Wagner. With a Foreword by Lawrence Clark Powell and a Preface by Francis P. Farquhar. Los Angeles, Ward Ritchie, 1955. x, 30 p. Port. [Apply to publisher]

Marginalia

NOTES ON AUTHORS IN THIS ISSUE:

ROBERT H. BECKER (B.A., Univ. Oregon, 1948; B.L.S., Univ. Calif., 1951), a reference librarian at the Bancroft Library, has recently completed a study for Mr. Ralph H. Cross, chairman of this Society's library committee, of the problems involved in preparing a cumulative index for the QUARTERLY. (See NOTES, Sept. 1955, pp. 2-3.)

Readers of the QUARTERLY will remember ALLEN L. CHICKERING's most recent article, "An Arboreal Archive," which appeared in the March 1955 issue, pp. 19-20, accompanied by a biographical note on p. 92.

For a biographical note on CHARLES KASCH, see this QUARTERLY, Sept. 1947, pp. 284-85, when the California Historical Society published his article on "The Yokayo Rancheria." By request, his present paper has been expanded from the address he made on the subject before a luncheon meeting of the Society on Oct. 14, 1954. Mr. Kasch is state park commissioner at Ukiah, California.

First World War captain of U. S. engineers, STEWART MITCHELL (b. Belfast, Ireland, March 24, 1885; B.S., Purdue Univ., 1908) has a long record of service in the interests of state highways, first in Oregon (1919-24), and then in California (1924–Apr. 30, 1955) where he has been concerned with bridge planning and latterly with special studies. Mr. Mitchell's extensive line-of-duty travel over roads and trails, leading into and within the west, has given him a vantage point from which to view the details of such an exploration as that made by Ebbetts and Moore in 1853. Some five years ago, this qualification was recognized by reviewers in commending his article, "Crossing the Sierra," in the centennial edition (Sept. 9, 1950) of *California Highways and Public Works.*

HERO EUGENE RENSCH (b. Boston, 1889; A.B., Pomona College, 1915; M.A., Stanford Univ., 1929) has been a Californian since 1892. In 1929, he and his wife, Ethel Grace Heald Rensch, began a series, initiated by the state D. A. R. through Mildred Brooke Hoover, into California's historic landmarks, which was published by the Stanford University Press, 1932-48, and in which Mrs. Hoover participated, herself, as author of the series' third volume. Among Mr. Rensch's numerous writings is a paper on the old mining town of Columbia, which formed the basis for the town's establishment as an historic state park in 1945 and where he is now curator.

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William Herman Rulofson

Pioneer Daguerreotypist and Photographic Educator

By Robert Bartlett Haas

On the afternoon of Saturday, November 2, 1878, San Francisco was shocked into sympathy by the accidental death of its favorite photographer of citizens and celebrities, William Herman Rulofson. The perennial interest in early photographic history has led writers again and again across Rulofson's trail, yet the essential facts of his biography have never been documented, and his story remains full of gaps and conflicting information. As one of his descendants recently remarked, "The trouble is, the Rulofsons never realized they *were* a legend until too late."

A search begun seven years ago, however, has turned up quantities of data: ambrotypes, photographs, diaries, letters, legal documents, newspaper references, descendants, and scattered shreds of family history buried far and wide—from early town records of the eastern seaboard to the archives of the British Museum.

The story will probably never be completely told. Family reticence, the wholesale destruction of legal records in the San Francisco fire of 1906, the passing away of early San Francisco families with their store of reminiscence, and, as we shall see, Rulofson's own secretiveness about his early life, have tended to delimit the tale of one of California's most interesting pioneers and photographic artists.

NEW BRUNSWICK TO NEW ALBION, 1826-1849

William Herman Rulofson was born on September 27, 1826, near St. John, New Brunswick. He stemmed from a branch of the family which came from Denmark.[1] His great, great grandfather, Laurens Rulofson (1689-1771) came from Copenhagen to New York, where he married Catherine Shuman in 1714. His great-grandfather, Hermanes Rulofson (1719-1805) seems, after his marriage to Margaretta van Horn, to have settled in New Jersey. Rulofson's grandfather, Rulof Rulofson (1754-1840) served as a loyalist in the Revolutionary War. As an officer in the 2nd battalion of New Jersey volunteers, he asked for land in Kings County, Parish of Hampton, New Brunswick, and was granted, in 1783, a tract of some 1900 acres along the St. John River. In 1784 he married Mehitable Phinney at Annapolis, Nova Scotia, settled in Hampton, and became the first school superintendent of New Brunswick.[2] Rulofson's father, William Herman Rulofson, "Yeoman" (1792-1827), married Priscilla Amelia Howard (1798-1843) of St. Martins, but died at the age of thirty-five, "leaving a widow and three small children."[3] William Herman Rulofson appears for the first time in the records as follows: "William Hermanes Rulofson, son of William Hermanes and Priscilla Amelia, born at Hampton on September 27, 1826 and baptized at St. Paul's Church on October 22, 1826 by Rev. James Cookson." Records indicate five older brothers—the first, second, and fifth (all named Stephen James, and the first relinquishing his name to the second while he was still alive) died in infancy; (1) Stephen James (1818-1820), (2) Stephen James (1819-1820), (3) John Edward Howard (1821-1871), (4) Rulof Isaac Allen (1822-1899), (5) Stephen James (1824-1826).[4]

After his father's death, William Herman Rulofson with his mother and surviving brothers moved to St. Martins, to the home of their grandparents, Capt. John Howard and his wife, Patience. In the veins of Patience Howard flowed the blood of King George III of England, since she was the daughter of Hannah Lightfoot, the Quakeress, mistress of the king or his first legal wife as some believe. It was Patience Howard who provided for the education of the boys, and it was in the Howard home that they received the protection and care they so much needed, especially after their mother died in 1843. As there was little chance of their getting into the liberal professions on their own resources,[5] they served apprenticeships of one kind or another. The oldest brother, John Edward, had brief training as a clerk in Keator and Thorne's store and as a copyist in the law office of Duncan Robertson in St. John. He later studied medicine in Ithaca, New York, with the botanic physician, Dr. Day. He became a druggist, a teacher, and a phenomenal linguist in the course of a fabulous but erratic career. The second brother, Ruloff, served in the British volunteer service, was a courier in the Aroostook War, went west to Milltown, Maine, as a millwright, and built the first successful "live gang" sawmill in the United

States. He eventually purchased a timber tract in Strattonville, Pennsylvania, where he established a substantial business career, his transactions as managing member of Marvin, Rulofson & Co. amounting to several million dollars. William Herman Rulofson, the youngest, was attracted to daguerreotypy as a boy and served his apprenticeship during the earliest years of its use on the American continent.[6] Equipped with this experience, he could turn his natural inventiveness, personal drive, aesthetic sensibilities and interest in human character to the successful practice of daguerreotypy, and later, sometimes by astounding business methods, to the successful practice of photography.

But how and where did Rulofson learn his craft? After the introduction of the method of Daguerre to New York in 1839 through the work of D. W. Seager (N. Y., 1837 ff.), Samuel F. B. Morse (1791-1872) and John William Draper (1811-1882), Clephan J. Clow, a miniature painter of Halifax, opened the first gallery in St. John, May 1842. In the fall of the same year, a studio was established over James C. Melick's watch shop on Market Square. Wentworth, the original proprietor, had learned daguerreotypy in the United States and continued to practice until 1846. In March of that year, according to J. Russell Harper, archivist of the New Brunswick Museum, the studio was re-opened under the management of Melick and Foulis, who continued their partnership until the end of the year, after which Melick carried on alone. It was in this Market Square gallery that Rulofson served his apprenticeship. Rulofson was related to the Melick family by marriage, Rachael Melick having married James Rulof Fowler, the son of James Fowler and Ann Rulofson. Through this complex of New Brunswick Loyalist family marriages, James C. Melick, the St. John daguerreotypist, became the "uncle" and "master" of William Herman Rulofson.

After his schooling in St. Martins, Rulofson had access to the lectures at the Mechanics Institute, where Foulis, also an erratic genius, made such presentations as "Chemistry as applied to the Arts," which were "attended by the local youths who came in swarms, finding them much more interesting than the other afternoon diversions of the city," to quote Mr. Harper again. Another professional resource at the time was the St. John Daguerrean Gallery and New Brunswick Photographic Department, opened by Vining and Reid in 1846, who advertised that they would teach people how to take portraits and would sell apparatus at the lowest cost;[7] but we know that Rulofson was by this time an already-established daguerreotypist,[8] who was beginning to want to travel all over Europe and America in pursuit of additional training.[9] In the course of these wanderings, he was shipwrecked in the severe storms of September 1846, on the magnificent but ill-fated steamship the *Great Britain.* The vessel stranded in Dundrum Bay, and after a night of terror passengers were brought ashore. Rulofson landed destitute in Liverpool. He was able to support himself by his camera work, however, and ultimately worked his way home again, having become acquainted with whatever new photographic processes in France and England it had been his intention to seek out. In spite of his early financial limitations he seems to have made his way, although his life was sometimes novel and precarious.

The earliest reference to his independent professional work appears in the *New Brunswick Reporter and Fredricton Advertiser* for March 31, 1848:

> DAGUERREOTYPE LIKENESSES
> AT $5 EACH:
>
> The Subscriber wishes respectfully to announce to the ladies and gentlemen of Fredricton (his old customers particularly) that he has re-opened, for a short time, his rooms at Mrs. Howden's, corner of King and York Streets, where he will take likenesses at the above reduced rates. Every satisfaction given or no charges made.
>
> Likenesses taken equally as well in cloudy as in fine weather.
>
> W. H. Rulofson

Nothing is as yet known of the time or place of his marriage to Amelia Violet Currie (1833-1867); their first child, William Howard Rulofson, was born in New Brunswick on May 24, 1848. Late in the same year, Rulofson left his family behind and followed the gold seekers to California. His intention was not primarily to join in the mining but to practice his profession in this new and lucrative setting. On the long voyage around the Horn he photographed "everything of interest from a Patagonian savage to a Brazilian Emperor."[10] Reaching San Francisco on June 13, 1849,[11] he set up a studio on wheels and spent some months taking likenesses along the route to the southern mines.[12]

Newspapers carrying his notices indicate the itinerant nature of his work at this time: "*Daguerreotype Miniatures*—The subscriber begs respectfully that those wishing to obtain perfect and lifelike *Miniatures,* at moderate charges, will make an early call, as his stay in town will be extremely limited. W. H. Rulofson."[13]

A Stockton editor wrote, "we are very much gratified by a view of the collection of Daguerreotype Miniatures of W. H. Rulofson. Among them we observed several excellent ones of our fellow citizens. Mr. R's stay among us is limited; all, therefore, who desire to behold themselves in California 'fixins' should lose no time in taking advantage of the present opportunity."[14]

After an unsuccessful try at gold mining, Rulofson returned to "sun-painting," his first love. He settled in Sonora, Tuolomne County, in partnership with J. D. Cameron, whose business he finally absorbed. In this community, which had attracted more than its share of daguerrean workers, he distinguished himself by the quality of his work. Edna Bryan Buckbee in her book, "The Saga of Old Tuolomne," notes that there are references to Rulofson's work in Sonora as early as 1849;[15] 1850 represents the probable date of his decision to stay. It is certain that his business was eminently successful even at this early period.

In 1850 Rulofson entered further into the life of this pioneer community by traveling overland to St. Louis to meet his wife and son and return with them to California.[16]

On June 17, 1852, Rulofson and his wife bought a lot on Main Street—"Batchelder's Old Stand—a few doors above the Placer Hotel"—which they sold again in December 1854. The Tuolumne County Museum has in its possession a Kuchel and Dressel lithograph of the City of Sonora, in which there appears a border vignette showing Rulofson and Cameron's "Dag. Saloon," the portable studio with heavy wagon wheels[17] which must first have been parked on the Main Street lot, then later moved to the corner of Dodge and Washington streets when Rulofson and Cameron acquired the property in October 3, 1855. During much of this period the family may have lived in tents.

The mobile nature of the gallery saved it from destruction more than once, notably in the fire of 1853 which leveled much of the business district. Rulofson simply "chained a yoke of oxen to the single-trees and had it driven out of harms way."[18]

Two interesting advertisements appear in the *Union Democrat* before the Dodge Street move:

> *April 14, 1855:* Look Here—New Arrangements Daguerreotypes $2, for a Short Time Only Don't mistake the place! Batchelder's Old Stand—ON WHEELS—a few doors above the Placer Hotel, Sonora. Rulofson and Co.

> *May 26, 1855:* SONORA STILL AHEAD Stereoscopes!—Who would not have one taken (at the present low rates) by Rulofson's new process?

The stereoscopic viewer, so dear to Victorian hearts, having been manufactured at a much later date, one wonders at the use of this term by Rulofson. A previously unidentified ambrotype, found at the California State Library, illustrates the event. It contains a self-portrait of Rulofson[19] (at twenty-nine) showing a picture to an elderly gentleman (Cameron?), while the inevitable village busybody peeks through the doorway. The picture in the hands of the seated figure, which appears to be a paper print of considerable size mounted on cardboard, is the focal point for all eyes.[20] It is not a double-image photograph intended for viewing in the Victorian stereoscope, but rather a portrait of unusual size with somewhat more than the usual feeling of dimensionality. Photography on paper "which some were predicting might replace daguerreotypes" was certainly not unknown to Rulofson at that time. Fox Talbot had been practicing the process for several years when Rulofson was in England in 1846. It was regularly being taught to daguerreotypists in San Francisco in the mid-1850's,[21] and would hardly have created a stir in Sonora. The ambrotype in question is clearly intended to tell something more about photography. Rulofson, it would seem, was either superimposing the negatives made with a binocular camera, or he had come upon an emulsion which gave a strong illusion of depth.[22] In either case he could refer to the process as stereoscopic, although what he achieved would probably be termed today stereopsis.

In addition to this (no doubt expensive) innovation, he made, in the same year, "the cheapest and best pictures in the State to send in letters to the friends back home"—for fifty cents each. His inventiveness ("We have invented our own plan for taking Stereotypes, and they cannot be equalled elsewhere.") and practicality seemed always to move hand-in-hand. An uncompromising artist, he never produced a tintype in his entire professional career.

On January 18, 1857, Rulofson bought out Cameron's interest in the gallery. In July he was appointed to collect funds for those left destitute by fire in the neighboring city of Columbia. By 1860, fire had played hob with whatever structure stood on his own Dodge-Street property. Freund, Sewell, Bush, and Rulofson recorded their losses as $8,000. With typical determination, Rulofson added to the property with three purchases of adjoining lands in the next two years. At this time he may have begun the building of the frame house and gallery which remained standing in Sonora until the 1940's.

SONORA TO SAN FRANCISCO (1863-1878)

A new phase in Rulofson's career began in May of 1863 when he leased his Sonora gallery to Daniel Sewell.[23] He moved to the metropolis with his wife, first son, and the four other children born in Sonora: Alfred Currie, Fannie, Emma, and Bella.[24] He was sufficiently well regarded to become the partner of Henry W. Bradley, another pioneer photographer. Bradley, a native of Wilmington, South Carolina, had amassed a fortune as a daguerreotypist in early San Francisco. The two men purchased together Vance's (later Weed's) daguerrian gallery, and the firm name, Bradley and Rulofson, 429 Montgomery Street, was carried in the San Francisco directories from 1863 to 1883. Rulofson directly supervised the gallery and developed one of the best appointed in the country. In addition to the gallery, Bradley operated an independent company at 618-620 Clay Street, selling photographic supplies.[25] He became the largest importer of photographic materials on the coast, with extensive business connections both in America and abroad.[26]

On September 12, 1865, Rulofson's Sonora property was disposed of to the photographer Daniel Sewell for $600. Sewell in turn sold it to the photographer Wells. It was next sold to his nephew, William Harrington, who operated it until 1942. Beginning with Rulofson's mobile "Dag Saloon" of 1849, the Sonora gallery probably represents the earliest permanently established photographic business on the Pacific coast.

The San Francisco gallery, under Rulofson's energetic direction, moved rapidly forward. An enterprise which began with six employees in 1863 grew to have a weekly payroll of over six hundred dollars, gold, in 1875.[27] Some rather clearcut business practices accounted for the steady success:

> They always employ the *best artists*, the most courteous and obliging clerks, both male and female, use the very best materials, avail themselves of the latest improvements, and give personal attention to every department of their business, never allowing an unworthy or unsatisfactory piece of work to leave their galleries. In a large town we must always go to the upper story to "sit" or to "see." *Bradley and Rulofson* were the first, and so far as we know, are still the only photographers who have provided, for the unspeakable convenience of their patrons, an *elevator*. You step down from the sidewalk through a door, take a finely cushioned seat, and, in less than half a minute, you are ushered into a third or fourth story gallery, amid the most profuse and gorgeous display of pictures, from locket size to full life, and so life like, that you almost fear to speak, lest they hear you.[28]

Along with this "elevation" of the art, prices went up. At Bradley and Rulofson the best people found themselves paying handsome rates in a dependably "pure" atmosphere, which not even Rulofson's passion for photographing actresses and artists (of sometimes questionable reputation), nor his arrest for distributing photographs of west coast military installations suspected helpful to the Southern cause, could disturb. And the pictures *were* good: "They sent us six negatives of the same subject, all equally perfect, being absolutely without spot or blemish. They are among the purest specimens of photography it has ever been our good fortune to inspect."[29]

Rulofson was a phenomenon at "pushing business." His fame on this score had reached the east. He trained promising young men in the art of photography, advocated sharing the firm's prosperity with them. He encouraged photographic invention and welcomed new advertising suggestions from his employees. He issued "between five and ten thousand dollars of money every year in payment of advertising"—redeemable at par in payment for photographs of the bearer. He gave noteworthy photographs to the city papers in exchange for by-lines.[30] He preached modesty and hard work but practiced a healthy euphemism, and mixed his business approach with an easy social manner which delighted the city's elite. Small fry, too, were caught up by the barrage of convincing newspaper advertising which kept Bradley and Rulofson before readers all over the state.

MAN OF MARK

As Rulofson gained wealth and recognition, he became quite a social figure. Following the death of his first wife in 1867,[31] he married Mary Jane Morgan, a renowned beauty, and the niece of William Blackburn, alcalde of Santa Cruz.[32] She had crossed the plains from Harper's Ferry as an infant,[33] settled first in Dutch Flat, later in Santa Cruz. Rulofson had undoubtedly known her as a child. At the time of their marriage, Mary Morgan was twenty-three, Rulofson was forty-one. She had been employed at Bradley and Rulofson as a receptionist, and remained an artistic force in the business until its close. Five children were born of this second marriage: Charles Herman, James Morgan, Mary Jeanette, Carrie Adams, and Victor Eugene.[34]

In the decade before his accidental death in 1878, Rulofson reached the peak of his community influence. He was both a respected business figure and a prominent member, with his wife, of San Francisco's social whirl. He was a charter member of the Bohemian Club (and its first official photographer), of the Society of California Pioneers, of the Masonic Lodge, the Odd Fellows, and of numerous charitable organizations. He attended the Episcopal Church and expressed, throughout his life, high moral purposes and an interest in things religious. In addition to his handsome dwelling on Sacramento Street, near Gough, he maintained apartments at the Palace Hotel where he entertained and photographed the visiting celebrities, to whom his business cards and personal compliments had been presented. Often the celebrities (particularly the stage people) reached him first, the fame of Bradley and Rulofson and its junior partner having traveled far ahead. Commissions took him into glittering atmospheres and often gave him private knowledge of daring adventures and lovely adventuresses. His solidly built reputation for respectability and discretion, plus his social prominence and affluence—his devoted wife, extensive family, properties, and frequent trips to the east coast and abroad—were all a successful foil for his work.

Extant camera portraits of Rulofson reveal a man of compelling appearance—handsome, well groomed and fashionably dressed, with an indefinable quality of preoccupation and an unfathomable depth about the eyes. We can trace what the years did to him. The early period: first, the Sonora ambrotype of 1856, with its fine profile and youthful, thirty-year-old seriousness; then, the "far away" portrait of ten years later, beard slightly greying, brow lined, and the pained far-seeing eyes; the "Lincoln" portraits of the 1865's, almost shocking with their martyred likeness. Then a lighter period: the lover, spruced up for his second courtship, 1867; the jaunty father with the remnants of a first family and the beginnings of a second around him in a summer garden; the important citizen with full beard and bemedalled uniform. Finally, the "official" Rulofson of 1875: greying and trimmed again, maturely serious, by now fifty years old.

(To be concluded)

NOTES

1. *Abridged Compendium of American Genealogy*, ed. by Frederick Adams Virkus (Chicago, 1925 ...), I, 281. Family tree communicated by Mrs. Amanda Rulofson Stratton, Clarion, Penn., to Alfred M. Rulofson, Covina, Calif.

2. *Collection of the New Jersey Historical Society*, X. The St. John *Gazette*, Jan. 1806, describes a celebration at Norton, Kings County, New Brunswick, in which one of the companies of the king's militia was commanded by Captain Rulofson. He was also a church warden of Hampton Church, a vestryman, a

Mason, and a justice of the peace for Kings County, 1809. (Courtesy of the New Brunswick Museum, J. Russell Harper, archivist-librarian.)

3. Lorenzo Sabine, *Biographical Sketches of Loyalists of the American Revolution* (Boston, 1864).

4. Church records, St. Paul's Parish, Hampton, New Brunswick. (Courtesy of the Rev. E. Vincent Martin.) Data completed from family *Bible*, communicated by Ronald J. Telfer, Montreal, who also confirmed the present author's theory that Rulofson had been reared in the Howard family and trained by Melick.

5. See note 53 below.

6. *Pacific Life*, San Francisco, Nov. 10, 1878 (Huntington Library). The memorial statement is based on an earlier version, probably prepared by Rulofson himself for the *Philadelphia Photographer*, XII (Jan. 1875).

7. Information communicated by J. Russell Harper (note 2 above).

8. *Pacific Life*, note 6 above.

9. *Ibid.*

10. *Ibid.*

11. Records of the Society of California Pioneers, San Francisco.

12. Edna Bryan Buckbee, *The Saga of Old Tuolumne* (New York, 1935), pp. 194-96.

13. Stockton *Times and Tuolumne County Intelligencer*, July 27, and Aug. 3, 10, 17, 1850. (Clipping file, Stockton Public Library.)

14. *Ibid.*, July 20, 1850.

15. Buckbee, note 12 above.

16. John Philip Young, *Journalism in California* (San Francisco, 1915), p. 319. The dates in this sketch, both expressed and implied, are inaccurate. It should be noted that Rulofson would have had opportunity in St. Louis, to see the studio of John H. Fitzgibbon, the great daguerreotypist of the southwest, whose practice of the craft as early as 1841 suggests him as the friend and early fellow-student of Rulofson. Later, in 1874, it was Fitzgibbon who proposed him for the presidency of the American Photographic Society.

17. Note the reception room, "operating" room with solar reflector, and developing tanks underneath. It was at the present location of the Christian Science Church, on North Washington St. (Courtesy of Mrs. Ruth Ann Newport, curator.) Julia Cooley Altrocchi, "Paradox Town" (*Calif. Hist. Soc. Quarterly*, March 1949, p. 33), mentions a daguerreotype man in a wagon on Washington St., San Francisco, in 1851.

18. The story of the rescue of the gallery, which appears in Mrs. Buckbee's book, was told to Mrs. Ann Newport by the late Crittenden Hampton, Sonora attorney and one of the very old residents of the area.

19. This ambrotype was acquired by the California State Library in 1922 from the late William Harrington of Sonora. It has been said to be the only authentic

ambrotype made by Rulofson in his Sonora gallery in existence today; but it has not previously been recognized as a self-portrait of Rulofson. Notice that the arrangement of the figures makes a good composition; it was necessary for each of the subjects to hang onto something because of the long exposure-time.

20. For this description of the ambrotype I am indebted to William Herman Rulofson's grandson, Rodney Morgan Rulofson, Suisun, Calif. A photographer and writer himself, Mr. Rulofson's constant help and interest in learning the story of his grandfather have made the present article possible.

21. Theodosia Teel Goodman, "Early Oregon Daguerreotypers and Portrait Photographers," *(Oregon Hist. Quarterly,* March 1948), says, on p. 34, of D. H. Hendee, who first began his work in Sonora, then moved to Oregon: "In later years he recalled the year 1857 as the one during which he made the journey to San Francisco to learn the new process of photography on paper. . . ."

22. This may have been what Bradley marked for years as "Bradley and Rulofson's Collodion." See George E. Hamilton, *Oliver Wendell Holmes—His Pioneer Stereoscope and the Later Industry* (New York, 1949). The quality of solidity given to images, thus viewed, is implied in the word "stereoscope" itself: *stereo,* solid, firm; and *skopein,* view.

23. Daniel Sewell in turn sold it to Wells; Wells sold it to his nephew, Harrington. Under these different ownerships, some pieces of the original equipment remained in Sonora and were given to the Tuolumne County Museum. (Information from Hugh R. McLean, editor of the *Banner,* Sonora. A preliminary draft of the present article was printed by Mr. McLean on Nov. 19, 1953, in the hope that additional information would be uncovered.)

24. The "first" family: I. William Howard Rulofson, *b.* May 24, 1848; *m.* Mary Frances Cooper. Children: Frances Anne (Wandke), Iverna Fox (Carmer), William. II. Alfred Currie Rulofson, *b.* Oct. 26, 1853; *m.* Julia Hunt, 1874. Children: Alfred Currie, Jr., Julia Winslow (Cutten), Clara, Violet, Gladys (Plate); *m.* Hanna Entwistle, 1902. III. Fannie Anne (Arundel-Harcourt), *b.* 1855; *d.* ? IV. Emma P. (Bigelow), *b.* 1857; *d.* ? V. Bella C. (Hoyt), *b.* 1860; *d.* ? Child: Elva Mae. VI. Mattie, *b.* 1866; *d.* 1877.

25. For information on Bradley, see B. E. Lloyd, *Lights and Shades in San Francisco* (San Francisco, 1876), pp. 420-21; T. A. Barry and B. A. Patten, *Men and Memories of San Francisco in the Spring of '50* (San Francisco, 1873), pp. 143-44.

26. Billhead of H. W. Bradley in collection of Society of California Pioneers, San Francisco.

27. *Pacific Life,* as above.

28. Committee of the Association, ed., *First Steamship Pioneers* (San Francisco, 1874), p. v.

29. *Philadelphia Photographer,* XI (July 1874), p. 205.

30. *Report of the Sixth Annual Convention of the National Photographic Association of the United States, held at Chicago, Illinois, July 1874* (Philadelphia, 1874), *passim.*

31. Obituary in *Alta California,* San Francisco, Jan. 30, 1867.

32. Marriage data: Marriages, I. 302 (recorder's office, Santa Cruz County), p. 302. Filed July 20, 1867; the marriage took place on July 17. See also Santa Cruz *Sentinel,* July 20, 1867.

33. This trip is recorded in diary of Joseph William Morgan, 1831-1863 (manuscript), in possession of Mr. and Mrs. Herbert Fridley, Santa Cruz.

34. The "second" family: I. Charles Herman, *b.* 1868; *d.* ? *m.* Ada Hamlin; *m.* Cora Snowden; *m.* Rose Diaz. Children: Wayne Snowden, Charles H., George V. II. Mary Jeanette (Rosenberg), *b.* 1870; *d.* 1900. Children: Robert, Mary Jeanette, Phyllis (Hay), William, Jacob. III. Carrie Adams (Steiss), *b.* 1871; *d.* ? Children: Aileen (Byrne), Homer. These children were reared by Mary Jane Morgan. IV. James Morgan, *b.* 1873; *d.* 1925; *m.* Jessie Reed; *m.* Mabel Hull; *m.* Mattie ?; *m.* Katherine Lupianova. Children: Rodney M.; Victor. V. Victor (variously Hugo, Franco, or Eugene), *b.* 1878; *d.* 1927; *m.* Mable Wilder. Children: Everett, Orville, Eugenia (Rutherford).

The Chinese in California

As Reported by Henryk Sienkiewicz

Translated, with Foreword,

By Charles Morley

Foreword — Probably the smallest and most short-lived of the California Utopian communities was the one founded at Anaheim in 1876 by a group of ten Poles. Dissatisfied with the oppressive atmosphere of their Russian-dominated homeland and fascinated by fabulous tales of life in the American west, they traversed nearly half the globe to settle on a small Anaheim farm where they nursed "brilliant hopes of making fortunes out of the fertile ground of California."[1] Undertaken rather lightheartedly, the venture had little chance of success, for the soft-handed intellectuals who composed the group possessed no previous knowledge of practical agriculture nor were they accustomed to strenuous physical labor. After a few months of contact with the realities of pioneer farm life and after suffering considerable financial loss, the small band of disillusioned enthusiasts dispersed. Their experiment is deserving of note, however, because two of the participants were eventually to achieve international reputations in their respective professional fields. Helena Modjeska, wife of the settlement's financial sponsor, went to San Francisco after the demise of the colony and soon embarked upon her highly-successful American stage career. Henryk Sienkiewicz, the young journalist in the party, became within a few years one of the foremost novelists of Poland and received in 1905 the Nobel prize for literature for his book *Quo Vadis?*

It was during his two-year sojourn in the United States (1876-1878) that the youthful Sienkiewicz began to attract the attention of his countrymen. In the Warsaw *Gazeta Polska* they read with great interest, and frequently with amusement, his impressions of American life. They were fascinated by his description of New York, Chicago, the transcontinental railroad, and California, and by his observations on American democracy, American women, and life on the American frontier. Long after Sienkiewicz's return to Poland, his *Listy z podrózy do Ameryki* [Letters from my Travels in America] continued to enjoy a wide audience and were republished with each new edition of his works.[2] Today, the present Communist regime in Poland is using the letters as propaganda to discredit America in the eyes of the Polish people. The Polish ministry of national defence has recently published in its soldier's library series a book entitled *O Ameryce. Listy z podróży do Ameryki* [About America . . .], containing only those fragments from the letters of Sienkiewicz which show America in its worst light.[3] The aim of the book is well illustrated by the following quotations from its preface: "During his sojourn in the 'American Paradise,' Sienkiewicz became a witness to the oppression of the Negroes and the Chinese; he saw with his own eyes the bloody tragedy of the vanishing Indians whom the colonizers, supported by the American government, were destroying with refined cruelty. The realities of bygone America, depicted by Sienkiewicz, differ only in one respect from contemporary America: the disgraceful traits of American capitalism have become today, in the age of imperialism, twice as obnoxious."*

The letter on the Chinese in California which follows appeared originally in serial form in the Warsaw *Gazeta Handlowa* (Commercial Gazette) from January 19 to January 29, 1878. Apparently forgotten, it remained buried in the files of this newspaper for almost three-quarters of a century until it was republished for the first time in the latest, definitive edition of Sienkiewicz's collected works.[4] As a foreign observer with no direct stake in the Chinese problem, Sienkiewicz was able to give his European readers a relatively dispassionate and well-balanced account of an issue which was then arousing great acrimony among Americans, particularly in California.[5]

THE CHINESE IN CALIFORNIA

The north side of the city of San Francisco, beginning with Clay Street, is occupied by the Chinese district. Were it not for the brick buildings built in the European style, it might appear to a visitor in this part of the town that he had, by some miracle, been transported to Canton or Shanghai. A strange impression is made by these noisy, nimble people, dressed in uniform costumes, with their yellow complexions, slanted eyes, and long pigtails braided of hair and black silk reaching almost to the ground. During the afternoon market hours the district presents a very animated picture. The sidewalks literally teem with buyers and sellers. Authentic Chinese stores, bearing Chinese inscriptions and filled with the products of Chinese industry, stand with their doors wide open and attract many customers. At every step you encounter something new and different. Here is the shop of a Chinese goldsmith; a bronze dragon displayed in the window reveals his trade. And here is an apothecary's shop. The old Chinaman, who is not only an apothecary but also a doctor, is preparing some kind of drug, examining it closely through his gold-rimmed spectacles. The adjoining shop contains porcelain ware and palm fans. Further on is a restaurant. Through its window you can see the cooks dressed in white with their pigtails tied about their heads. Like marionettes they skip around the table, cutting the dough which they are about to boil. In a nearby barbershop five or six Chinese are kneeling in front of the barbers with their heads resting in the barbers' laps. The barber raises the pigtail of his patient with one hand, while with the other he guides a razor carefully over the curve of the skull. In the smoking houses old and young Chinese smoke tobacco (or perhaps even the forbidden opium) in small metal pipes. On the streets the hubbub grows constantly greater. Hard working coolies pass carrying long bamboo poles at either end of which are tied baskets filled with vegetables, bundles of sugar cane, bananas, or strangely shaped ocean fish. In front of the houses stand Chinese women dressed in trousers, with their hair combed in butterfly style and ornamented with bronze pins. Cries and supplications can sometimes be distinguished in the strange Chinese speech whose monosyllabic sounds often give the effect of sighs or clapping. Few white people can be seen in this district. Only on the street corners stand serious-looking policemen dressed in grey overcoats with silver stars on their chests. Perhaps the only other evidence of American civilization are the omnibuses which are drawn over the hills that cover the district neither by horses nor steam but by hidden chains. American stores are few here. Most stores bear Chinese inscriptions whose queer letters written in vertical columns are reflected from a red, varnished paper.

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*Translation is mine (C. M.).

But we have not yet entered the most interesting places which are designated by multicolored paper lanterns. These are the Buddhist temples. In front of each of them hang five or six such lanterns in order that the faithful may at a single glance distinguish the temples from other ordinary buildings. Let us go inside; everyone is allowed to enter here. Now we are really in China. A large room transformed into a temple is illuminated by colored lamps and multicolored window panes. In the corners stand silk umbrellas set on long handles, flags with suns, moons, and dragons, or long poles at the top of which are bronze emblems of indefinable forms. . . . The variegated light from the window panes and the lamps throws a certain mysterious lustre over the entire nave. In the center is erected the first altar in the form of a low, wide table on which stands a pair of silver dragons two feet high. . . . The main altar is in the innermost part of the temple. There in the mysterious twilight . . . looms from behind the silk curtains the statue of a great Buddha . . . in a sitting position . . . the expression on his golden-bronze colored face is a mixture of boredom and stupidity.

In traveling from India to China he apparently lost his Indian physiognomy, for his eyes are slanted, his cheek bones protruding, his nose flat, his face in general representing a stout Chinese type. Likewise, he is dressed in the robe of a Chinese mandarin, consisting of a richly embroidered coat rather like the apparel of Moscow coachmen, of trousers tied at the ankles, and of slippers with thick, white soles whose tips turn upward. In front of his statue on that part of the altar which in a Catholic church is called the mensa lie small sticks made of black wood and shaped somewhat like a weaver's shuttle. Every Chinaman who enters takes these sticks and taps one against the other for several minutes . . . and, considering his prayer completed, he returns as quickly as possible to his business. I have not observed any other kind of prayers in these temples, though I visited them quite frequently. . . . It reminded me of those prayers of the bonzes [Buddhist monks] recited with the help of a spinning wheel on whose spokes prayers are inscribed . . . as the wheel is turned, the prayers are repeated a thousand times and sent to heaven.

San Francisco has about a score of these temples for its entire Chinese population professes the principles of Buddhism. Among the coolies who come from Mongolia and Manchuria are supposed to be a certain number of Shamanists. These, however, do not have separate places of worship. Neither are there any Mohammedans nor followers of Confucius. Mohammedanism, although it had at one time been strongly propagandized in the western parts of the Celestial Empire, especially in Bukhara, never found many followers among the real Chinese. . . . As for the teachings of Confucius, they are professed only by the emperor, the court . . . and perhaps by the more enlightened inhabitants of the capital. . . . As far as I remember the titles of the five books which Confucius has left, they indicate that in all of his teachings there is no reference to theology. There are books dealing with the state, parental respect, ceremonial hymns, duties, etc., but not one of the books concerns the Supreme Being.

The masses of the Chinese people, on the other hand . . . all of the poor, the lower castes of India and the coolies of China—these will continue to find comfort in Buddhism for a long time to come. . . .

There can be no question that Buddhism in India differs from that in

China. It is a difference that has been created by the national character of the two peoples. In India Buddhism has transformed itself into a very strong asceticism; in China, into one more support for utilitarianism. . . . Thus, the Chinese toils and toils unceasingly. . . . And when employment and land is unavailable in his native country, he packs his dragons and his Buddha into a small box and sails across the sea to find work in Australia or in California.

In a sense, he takes all of China with him, for he does not abandon his religion, his customs, nor even his dress. . . . Christian propaganda succeeds among young, primitive nations, full of feeling and poetry. In the Chinaman it finds none of these qualities. . . . He is an old, wise man who, even if he wished, could not understand that it is a virtue and not a folly to die for one's principles, to sacrifice one's self for another or to give to one's neighbor what one has earned. As far as I know, the California missions have failed to convert a single Chinese. Every one of them prefers to visit the temple of his Buddha, to tap the pieces of wood, and then to consider himself relieved of any further obligation either toward God or his fellow man.

But I return to the picture of Chinese life in California which I had begun to describe. From the temple I lead my readers to the theater. This structure, like all structures inhabited by the Chinese, has no characteristic external features. It is an old, long, one-story brick building, converted into a theater. The inside is also arranged in an ordinary manner with benches and standing places, and in front of these the stage. The play begins after eight in the evening and continues far into the night. The spectators assemble as early as possible. It is dangerous for a person to come here alone, for he may easily lose his watch, money, or at least his pocket handkerchief. This can easily happen, since, in addition to the Chinese, so-called "hoodlums" congregate here, that is, scamps of the worst type from the entire city. The theater is packed and the stuffiness and heat here are unbearable. Quarrels and fights frequently occur between the Chinese and hoodlums, sometimes ending with the thrust of a knife. In the midst of the noise, laughter, and shouting you hear "ho Ah Ming! Ah-wong! Tsen-Fu!" and the like; also you hear the cracking of beechnuts which the audience is breaking open and eating, not only before but throughout the performance.

Finally the curtain rises. On the stage, illuminated by paper lamps greased with tallow, are seen paper trees, small houses with curved roofs, and the inevitable dragons. First one actor enters, then another, and the play begins. I have in my time written dramatic criticism, but I have never found myself in similar difficulties—how to give a concise and accurate review of a play? If it only were one of those plays in which a dragon emerges from the right of the stage, the sun from the left, the dragon tries to swallow the sun, and the sun resists—following which the curtain falls amidst the general rapture of the audience! Not at all! The play which I witnessed was of the type that Americans describe by the word "emotional." I believe the play concerned a writer who was in love with a girl much wealthier than himself. Tout comme chez nous! The girl, however, did not appear on the stage, for women do not take part in plays. I do not know what followed, what had taken place before, or how the play ended. I can only speculate with regard to what happened. Since in China events occur which, according to our conceptions, are exceedingly improbable, the wealthy girl undoubtedly gave her hand to the impoverished writer.

The vagueness of my review is explained very simply. First, I did not understand a word of what was said; secondly, the play did not end that evening. The actors walked back and forth, conversed with one another, and some even jumped up and down. But in the end there was neither a marriage nor a funeral. To the sober Chinese mind it is inconceivable that a play often dealing with several years of the hero's life could be completed in one evening. . . . A play ought to last as many years as it represents. . . . Thanks to this principle, a play here is presented in the same way that we in Poland publish a novel, in serial form. . . .

Accompanied by a policeman, you may visit all kinds of Chinese establishments, entrance to which is forbidden to private persons. These include brothels, houses where people play cards secretly or smoke opium, dark dens which serve as shelters to conceal Chinese misery or as havens for recently arrived coolies who have not yet been able to find jobs. . . . Some . . . were drinking tea or eating rice from large, tin utensils with the help of two wooden sticks which take the place of our tableware. The dexterity with which the Chinese use their chopsticks is truly astonishing. While even the larger lumps of rice eluded me, the Chinamen grasped with their chopsticks the smallest, individual grains, picking them out as accurately as a bird with his beak. The general appearance of such a house of temporary refuge makes a very unpleasant impression . . . the women are mixed with the men, the ill with the well. The entire Chinese population leads a precarious existence, slovenly and unhealthy. . . . They have no conception of scientific hygiene. . . .

In general, the Chinese are a peaceful and timid people, but amongst themselves they quarrel quite frequently and with equal frequency the quarrels end with a stabbing . . . in no other district do the police have as much work as they do in the Chinese quarter. And yet there is nothing more difficult than to maintain a close check on these people whose names are not established, are difficult to remember and to spell, and are almost all alike. Ah-Wongs, Ah-Mings, Jeh-Hangs are here numbered by the thousands, and each one taken separately resembles another as two drops of water. Each one has the same slanted eyes, the same long pigtail, flattened nose, and uniform dress—in a word, everything. Therefore, the apprehension of a Chinese criminal is fraught with innumerable difficulties, especially since they all stand by one another and since the police here are not permitted to use violent methods on any individual, whether he be white, yellow, or black.

. . . Very few bring wives with them,[6] and for that reason it so happens that when among ten Chinese occupying a dwelling there is but one woman, they all live together with her. I encountered such examples of polyandry quite frequently, particularly in the country. . . . These evidences of licentiousness make an unfavorable impression upon the white population of San Francisco, furnishing the anti-Chinese party here with still another argument against Chinese importation.

This slant-eyed population is brought to California by Chinese companies, of which there are six in San Francisco closely connected with one another . . . the companies pay the coolies' passage and support them until they find work in San Francisco . . . [and] the impoverished coolie, even with such great frugality as only a Chinaman is capable of, practically never succeeds in paying off his indebtedness to the company. . . .

Having set foot upon American soil, every coolie is theoretically free. He may at once sever all ties with the company. . . . Having found a job, he could refuse to buy in the Chinese company stores. In short, he could start life on his own. But . . . accustomed in his homeland to the despotism of the mandarins, to the bamboo rods, shackles, and other similar tortures, he does not feel the full weight of the company's oppression. Finally, he does not realize that local laws more powerful than the company will in most instances take his side with little concern for the company. . . . But even then fear retains him in the company's hands. Local laws can, in fact, shield him from open violence, but they do not protect him from the stab of a knife by an unseen hand. . . .

The American spirit of freedom would long ago have undermined and destroyed this disgraceful monopoly were it not for the fact that there are no legal grounds upon which to attack the companies. The law permits the existence of all kinds of associations and allows the extension of credit to the worker. . . . But . . . anti-Chinese agitation has assumed such proportions that it can definitely be said that the days of the companies' existence and of the importation of Chinese are already numbered.

Let us now look at the kind of work the Chinese perform in California. A single word describes it accurately: everything. A significant proportion of them has turned to agriculture. The whole of San Francisco is situated on arid dunes and sandy hills, and yet whoever goes to the outskirts of the city will perceive at the ends of unfinished streets, on the hills, valleys, and slopes, on the roadsides, in fact, everywhere, small vegetable gardens encircling the city with one belt of greenness. The ant-like labor of the Chinese has transformed the sterile sand into the most fertile black earth. How and when this was accomplished they alone can tell, but suffice it to say that all the fruits and vegetables, raspberries and strawberries, under the care of Chinese gardeners grow to a fabulous size. I have seen strawberries as large as small pears, heads of cabbage four times the size of European heads, and pumpkins the size of our wash tubs.

The Chinese hut stands in the center of the garden. At every hour of the day you will observe the long pigtailed yellow gardeners now digging, now spreading manure upon the soil, now watering the vegetables. In the interests of one's own appetite it is sometimes better not to see the latter, for I have myself had the experience of observing Chinamen pouring a liquid created from human excrement diluted with water between the leaves of heads of cabbage still unfolded. Yet the whole of San Francisco lives on the fruits and vegetables bought from the Chinese. Every morning you see their loaded wagons headed toward the markets in the center of town or stopping in front of private homes. It may even be said that in all of California this branch of industry has passed exclusively into the hands of the Chinese. Rarely, however, do they work on their own lands, but rather on leased lands. They do not purchase land; no Chinaman comes to California to settle here permanently but to earn several hundred dollars and to return to spend his last years in his native land. . . . "Here I am a nobody," said a Chinaman to me, "but in China, with three hundred dollars I am a big, very big gentleman."

A large number of Chinese likewise work for white farmers, especially in the orchards. In California, beginning with San Francisco and all the way down to San Diego in the south, the cultivation of grain plays a minor rôle, for with the exception of barley, the climate is too hot for rye, wheat, and others of our grains. Thus, the growing of grapes and oranges constitutes the principal branch of agriculture in the south, whereas fruit trees and hops predominate in the north. In the vicinity of San Francisco and in Alameda County along the railroad are whole orchards of apple trees, pear trees, peach trees, and almond trees; here and there fields comprising scores of acres are covered with red currant bushes; near Sacramento are extensive hop-gardens. The work on these fields and in these orchards is done almost exclusively by hired Chinese. . . .

Because of the intense and widespread anti-Chinese agitation, an attempt has been made to replace the Chinese with children. Not to mention the fact that the children became ill with diarrhea from eating too much fruit while picking it, their labor proved so careless and so much fruit remained on the bushes that the owners suffered losses instead of making profits.

In the cultivation of grain in northern California the Chinese cannot compete with the whites. For plowing, harrowing, and harvesting, the white worker, being twice as strong, is much more in demand, for he works faster and with greater energy. Where there are no whites, however, Chinese are used even for these jobs.

In southern California where vineyards abound, there, too, very few Chinese are employed. In this area Mexican and Indian laborers, who are as strong as the Yankees and who work as cheaply as the Chinese, are easily obtainable. At Anaheim, and in the vicinity of Los Angeles, Mexicans are engaged in cultivating the vineyards, while the picking and pressing of the grapes is done almost exclusively by the half-civilized Indians. The Indians provide additional profit to their employers by usually drinking up, at the employers', all of their earnings. But the cultivation of vegetable gardens remains here, as everywhere else, in the hands of the Chinese. This is also true of all the household duties which in Europe are performed by women.

Among the squatters settled on government lands in the Coast

Ranges, Santa Ana, San Bernardino, and Santa Lucia, I rarely encountered any Chinese. Life on the prairie and in the forests requires powerful, physical work of which the Chinaman is not capable. There is no law which would prevent them from staking out agricultural claims, settling on them, and after a certain lapse of time becoming proprietors; but this is never done by the Chinese. Life on the prairie may assure one a quiet life until death, but it does not provide cash income which is the main concern of the Chinese who are anxious to return to the Celestial Empire when they retire.

Another occupation of the rural population is the panning of gold. However, a much smaller number of Chinese is engaged in this occupation than in agriculture. Those engaged in it lead a life of hardship and very few of them acquire riches. The most famous gold mines have long since become the property of various wealthy companies, and it is, therefore, more difficult now than formerly to stake out a mining claim. Formerly, when gold was discovered in a certain area, everyone coming into the area in search of gold staked out a claim on which he alone had the right to dig for gold. There was no written law barring Chinese from staking out mining claims, but such was, in fact, the unwritten law. The simple truth is that white prospectors could not endure the Chinese as neighbors,[7] and, when the latter took up claims first, they were driven out with the aid of revolvers. Now . . . that the mines are simply large business enterprises, and now that new beds are rarely discovered on unoccupied government land, even the whites cannot locate claims, let alone the Chinese. Thus, the Chinese take over lands which have long since been abandoned either by individual miners or by companies. . . . I visited such Chinese mining settlements in the vicinity of Sebastopol. On the hillsides made ragged by previous miners . . . stand the miserable Chinese shacks in a deserted area. Their inhabitants depart for work at the break of day, take some meager supply of food with them and return only in the evening. A whole day's work brings them no more than 25 cents . . . —if some company were to pan these hills, it would have to contribute from its own pocket at least two dollars daily to each of its workers. But a Chinaman eats most anything, drinks plain water, a handful of rice and a cup of tea are all he needs for the entire day. He therefore puts aside one cent at a time until he saves several hundred dollars or dies of exhaustion, as frequently happens.

I now turn to the urban population. The lot of the Chinese working in the cities is incomparably better than that of the miners. . . . They are engaged in business; in the factories they serve as laborers; they are hired by the owners of handicraft shops; in the hotels they perform all the more menial tasks; in private homes they are responsible for orderliness and cleanliness. In restaurants and on the railroads they serve as cooks and waiters. Practically all of the laundries in town are in their hands and it must be admitted that they do the laundry neatly, quickly, and cheaply. They serve as nurses for children. In a private home the Chinaman fulfils all of the duties of a maid; he puts things away, sweeps the floors, makes the beds, cooks the meals, washes the dishes, and does the shopping in town; he is a quiet, sober, industrious, gentle, and obedient servant, and he costs much less than a white servant. Ever since the Chinese have become numerous in California, all prices have declined considerably. Everything from the cigars wrapped by Chinese hands to items of food—everything now costs less because the cost of labor is less.[8] The salary of a Chinese servant will seem to Polish readers incredibly high, but I assure them that for California it is extremely low. It is only half the salary that is paid to white men, or even to white women. It is equivalent to 15 or 20 dollars (30 to 40 rubles) per month. In the country a servant who does not live in can be employed for even less. . . .

Taking these things into consideration, one might deem the Chinese a blessing to California were it not for the keen competition they create for the white working-class. . . . A white man . . . requires more food and better living quarters instead of suffocating with a score of others in one hole. Finally, a white worker usually has a family, wife and children, whereas the Chinaman is alone. . . . The result is that if the Chinese are a blessing at all it is only for the wealthy classes who need servants and workers. In the conflict between capital and labor the Chinese have tipped the scales decisively in favor of capital. Even though white workers should offer their services more cheaply, some employers would prefer Chinese . . . as workers who are not fellow citizens but half-slaves, quiet, obedient, and docile . . . and as they become more numerous, they begin to create dangerous competition for small business, small farmers, and small industries. . . .

The menacing social disturbances which have occurred in the eastern states have also been repeated here, but here they have had an anti-Chinese character.[9] I was in San Francisco the night a massacre of the Chinese was expected. By the light streaming from burning buildings along the coast marched huge, menacing crowds of workers, carrying banners bearing such inscriptions as the following: "Self-preservation is the first law of nature." The stores were closed. The Chinese, fortified on their hills and armed with hand grenades, awaited the attack at any moment. Somehow the mob sensed that these people, though generally peaceful and timid, would defend themselves to the bitter end. From the other direction there appeared the local militia and citizens armed with heavy clubs and revolvers. Occasional shots echoed in the streets. Shooting occurred near the burning houses, for the crowds would not permit the fires to be extinguished. The mass meeting of the workers was a stormy one, but there was no spilling of blood. It was decided to send a deputation to congress and to boycott all Chinese products. The crowds then dispersed, but the fires lasted for several days. Order was at last restored, but only after the railroads, which had provoked the disturbances by reducing the wages of white men, agreed not to reduce wages and to dismiss their Chinese employees.

Besides this particular, threatening demonstration, I witnessed numerous meetings which were peaceful in character, but perhaps for that very reason more significant in the anti-Chinese movement. At present not only do the workers belong to the movement, but also the majority of the journalists, ordinary citizens, merchants, craftsmen—in a word, the majority of the inhabitants of California. In joining the anti-Chinese movement, thoughtful citizens are motivated not only by personal reasons but also by their patriotism. Analyzing the problem objectively, one must admit that California perhaps loses more than it gains from the Chinese. They leave their jobs behind them—that is true—but they take their earnings with them out of the country. The Chinaman does not enrich local commerce and industry, for he buys exclusively in the Chinese stores. The Chinaman does not purchase land and does not settle on it as a farmer who then hands it down to his sons and grandsons. The Chinaman rarely accepts American citizenship even though the Burlingame Treaty concluded in 1868 gives the yellow races equal rights with others.[10] Finally, after the Chinaman has accumulated a certain amount of money, he leaves the country never to return.

Furthermore, the Chinese have not only deprived the white working-class of its means of livelihood, but they are also the cause of far greater injury to the country: they hinder the flow of white emigration from the eastern states and from Europe, that emigration which would take up permanent residence, accept citizenship, and produce a population which would settle the country instead of exploiting it and then departing from it.[11]

One final point: by not accepting citizenship and by working as hired men, the Chinese are introducing a certain element of servitude into this society, perhaps the only one in the world in which equality is not a meaningless word. Whether he be a farmer, a craftsman, or someone else employing Chinese and becoming accustomed to the relationship of master to slave, he will find it difficult to forget this rôle in his relations with white men. This is perhaps the most important aspect of the problem, for such a relationship is a sin against democratic morality on which all institutions and the very existence of this society has till now been based.

These are the reasons why most of the more intelligent people of California, as well as the workers, belong to the anti-Chinese party. If the state had the legal authority to deport the Chinese, this would have been done long ago. They are protected, however, by the constitution of the United States. The state government has done all within its power. It has established the position of commissioner of immigration whose duties consist of watching over the Chinese companies, searching the ships importing coolies, barring diseased persons and prostitutes, and, frankly, restricting and making more difficult the importation of Chinese. Until recently the commissioner of immigration was our compatriot, Rudolf Korwin Piotrowski, to whom I am grateful for much of my information about the Chinese.[12] In addition, the municipal authorities have taken certain measures the most important of which was the ban on the deportation of the corpses of deceased Chinese to the Celestial Empire. The Chinese are known to pay particular honor to their dead. According to their conceptions, formulated on the basis of religion and age-long custom, a deceased person should be buried within the limits of the Celestial Empire to pass to Nirvana[13] and to rest in peace. Thus, year after year the same ships that imported the living, exported the dead. Now the deportation of the dead has been forbidden once and for all. This regulation has the effect of restraining the Chinese in China from departing for the country of the "barbarians" and inducing the California Chinese to return to their native land as soon as possible.

Such is the status of the Chinese question in California. It has already reached the congress in Washington where it will no doubt cause much trouble, for it will involve certain changes, or at least interpretations of the constitution. The constitution clearly allows all foreigners to enter the United States, to become naturalized or not, to engage in business or to become laborers—in short, to do whatever one pleases. From a legal point of view, the Chinese have the constitution on their side. On the other hand, the dangers to which the states lying on the Pacific Ocean may in time be exposed as a result of Chinese immigration—dangers which are already very evident in California and imminent in the Washington Territory, Oregon, Arizona, and Nevada—will no doubt weigh heavily on the minds of those who have the power to alter the constitution.

There is no doubt that the Chinese question could in time cause such discord as to threaten the unity between the east and the west, as was recently caused between the north and the south over the question of slavery. Such is not yet the case. Today it is scarcely a small dark cloud on the fair horizon of the Union. However, precaution calls for early insurance against storm and lightning. Apparently, the opponents of the Chinese in California have succeeded in bringing the question to the attention of President Hayes. How congress will deal with it we shall know in the near future.[14]

NOTES

1. Helena Modjeska, *Memories and Impressions* (New York, 1910), p. 289. The *Memories* . . . tell the complete story of the Polish community in Anaheim. According to Modjeska, she and members of her party were first tempted to go to California by the letters of Julian Horain which were published in the *Biblioteka Warszawska* in 1873 and 1874 under the title, *Listy z Ameryki do prozyjaciol w Europie* [Letters from America to my friends in Europe]. The group may have been influenced by the writings of two other Poles whose impressions had appeared much earlier: John Mitkiewicz's "Kilka slów o Kalifornji" [A Few Words about California] and "O Zlocie" [Concerning Gold] published in the *Biblioteka Warszawska* in 1849, and Alexander Holinski's *La Californie et les Routes Interocéaniques* (Brussels, 1853). The year before they left for the New World, there was published in Warsaw a novel entitled *W Ameryce* [In America]. Its author, Krystyna Narbutt, based her narrative on a brief visit she had made to the United States. Finally, the interest in America of at least one member of the party—Sienkiewicz—was greatly stimulated by the writings of Charles Dickens, James Fenimore Cooper, and Bret Harte.

2. Most of the *Listy z Podróży do Ameryki* were included in the first edition (1880) of Sienkiewicz's works, while others appeared only in later editions. They were not reprinted in their entirety until 1950 as volumes XLI and XLII of the latest edition. The present writer is completing the translation of the letters and preparing them for publication.

3. (Warsaw, 1951). Biblioteka Zolnierza. Ser. 1.

4. For the Polish text of this letter, see Henryk Sienkiewicz, *Dziela. Wydanie Zbiorowe* (Warsaw, 1947—), ed. by Julian Krzyzanowski, XLII, 317-37.

5. H. H. Bancroft, *History of California* (San Francisco, 1886-90), VII, Chap. XIV, "Chinese, the Labor Agitation and Politics (1868-1877)," gives a professional historian's account of the trouble and its leaders as viewed some ten years after the Poles' visit.

6. According to the *U. S. Census* for 1880, there were in California 71,244 Chinese men and 3,888 Chinese women.

7. Anti-Chinese agitation in California began in the mining camps, and in 1850 the legislature passed a law imposing a tax on foreign miners which was aimed at the Chinese, the Mexicans and Indians not being included. See Bancroft, *op. cit.*, VII, 337, for details of situation resulting from tax.

8. A more serious cause of price reductions was the panic of 1873, the effects of which reached California in 1876 where crop failures, due to drought, and a sharp decline in gold output intensified the country-wide economic difficulties.

9. The continuing effects of the panic of 1873 resulted in numerous strikes and riots in the eastern United States. State militia, and even federal troops, were frequently employed to restore order. For events in California and the activities of Dennis Kearney and his followers during 1877, see Bancroft, note 5 above.

10. For example, Art. V of the Burlingame Treaty reads as follows: "The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for the purpose of curiosity or trade or as permanent residents. . . ." Art. VI, while affirming these privileges, the same as those enjoyed by citizens of the most favored nation in the one country and in the other, makes the following reservations: ". . . But nothing herein contained shall be held to confer naturalization upon the citizens of the United States in China or upon the subjects of China in the United States."

11. By their labor, especially on the railroads, the Chinese contributed greatly to the growth of the national economy. But anti-Chinese agitators commonly accused them of "exploiting" the country and of taking money out of it.

12. Rudolf Korwin Piotrowski (1814-83) came to the United States in 1848 and for thirty years worked in gold and silver mines. He used his first earnings to purchase a large tract of land not far from San Francisco where he founded the colony of Sebastopol. For his services to the Union cause during the Civil War

he was rewarded by the governor of California with the position of commissioner of immigration. See Stanislaw Zielinski, *Maly Slownik Pionierow Polskich* (Warsaw, 1932), p. 366.

13. *Webster's International Dictionary* defines Nirvana as "release from liability to suffering, from mortality," and as "the highest goal attainable, now or hereafter."

14. The response of congress was to pass a series of Chinese exclusion laws, beginning with the act of May 6, 1882, section 14 of that act stating that "hereafter no state court or court of the United States shall admit Chinese to citizenship."

Note on Twain and Rising

By ANDREW FOREST MUIR

MARK TWAIN, though not religious in any conventional sense and self-described as a "sinner at large," also as a "brevet-Presbyterian," valued the friendship of several ministers.[1] Among the earliest of these was the Rev. Franklin Samuel Rising, an Episcopal priest, whom he first encountered in Virginia City.

Rising, a graduate of what is now the College of the City of New York and of the General Theological Seminary, had been made deacon in 1860 and ordained priest in 1861.[2] At about the age of twenty-nine he had removed to Virginia City, Nevada, as a missionary of the American Church Missionary Society (an evangelical organization that had been created in competition with the official board of missions of the Episcopal Church), his arrival coinciding with Good Friday, April 18, 1862; Easter morning he celebrated his first service in St. Paul's Church and ten days later became its rector.[3] Within the next nine months Rising was able to erect a church edifice costing about $25,000,[4] in a town which at that time had a population of between fifteen and eighteen thousand.[5]

The same year, Samuel Langhorne Clemens had assumed the pseudonym of Mark Twain while reporting the legislature for the Virginia City *Enterprise*.[6] He and Rising, whom he described as "a noble young fellow . . . refined and sensitive . . .," became fast friends, Twain trying to show Rising the way to "get at the better natures of the rough population about him" (familiar phenomena to Twain),[7] and Rising losing no opportunity to reprove Twain's robust profanity, sometimes with Biblical verses wrenched out of their context.[8] Twain's commentary on his friend's affected-sounding phraseology appears in *Roughing It.* The former owner of a saloon in Virginia City had been killed in Carson City, and his body was returned to Virginia City for burial. The community passed resolutions of regret and appointed committees to take care of the necessary details. Scotty Briggs was selected to call upon the minister, Rising, "a fragile, gentle, spirituel [*sic*] fledgling from an Eastern Theological seminary," whom Scotty addressed as "the head clerk of the doxology-works next door." During their conversation, Scotty is represented as using the slang of Nevada — according to Twain, "the richest and the most infinitely varied and copious that had ever existed anywhere in the world, perhaps, except in the mines of California in the 'early days'." By contrast, Rising's rejoinders make him seem to be a purist; but instead of the result being merely a brilliant and rollicking take-off on what might be termed Rising's cant,* the reader becomes absorbed in both men's efforts to be mutually understandable, and he finds himself greatly relieved when Twain informs him the "obsequies were all that the 'boys' could desire."[9]

Twain's and Rising's association in Virginia City continued until 1865, when Twain, who had run afoul of Nevada's anti-dueling law, was obliged to flee to California. In March 1866 he left San Francisco as correspondent of the Sacramento *Union* and arrived in Hawaii on March eighteenth. Rising had arrived in Honolulu two days earlier. For some three months previously he had been confined to his room in Virginia City with a sprained knee and could move about only with the aid of crutches;[10] but in February 1866 he had obtained a six-months leave of absence and had started by sailing-ship for Hawaii,[11] where he and Twain soon renewed their acquaintance. Rising was still using crutches, but after a short time he was able to ride horseback and take a few unaided steps.[12]

Twain did not acknowledge that Rising had been the influence behind his biting comments on the Hawaiian Reformed Catholic Church and Dr. Thomas Nettleship Staley, consecrated in 1861 as bishop of Honolulu by the Church of England. Staley arrived in the islands the following year with three priests.[13] Although he had come at the request of King Kamehameha, he was, according to his own and others' testimony, almost immediately subjected to a campaign of minor persecution by the Congregational and Presbyterian missionaries of the American Board of Commissioners for Foreign Missions.[14] Rising never met Bishop Staley nor any of his clergy. During most of his visit to Honolulu, Rising boarded in the home of Eli S. Corwin, pastor of the Fort

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*His friend, Scotty told Rising, had "gone up the flume — " "Gone where?" "Up the flume — throwed up the sponge, you understand." "Thrown up the sponge?" "Yes — kicked the bucket — " "Ah — has departed to that mysterious country from whose bourne no traveler returns."

Street Congregational Church,[15] and for a while was a guest in the home of Samuel Chenery Damon, pastor of the Bethel Congregational Church.[16] One missionary wrote that Rising, "so far as we can judge," sympathized far more with the Congregational missionaries than with the Hawaiian Reformed Catholic Church.[17] This was undoubtedly true, for in June he made what was described as a fraternal address before the Hawaiian Evangelical Association.[18] At the same time that Rising was being feted, the missionaries were looking at Twain with a jaundiced eye, if indeed they looked at him at all. A few weeks later, the secretary of the Hawaiian Evangelical Association described him as "a racy but low writer who has now returned to California, after having excited a good deal of interest in these islands in the minds of a class seldom reached. His true name is Clemens, if I remember rightly."[19]

Twain's criticisms of Bishop Staley in his letters to the Sacramento *Union* were in part of a personal nature, but he repeated the statements, long-retailed by the Congregational missionaries and transmitted by them through Rising, that Staley revived old Hawaiian superstitions and sensual practices and had introduced advanced ceremonialism.[20] In respect to ceremonialism, Twain was soon to admit he was mistaken,[21] but for years he continued to ridicule Bishop Staley in print and from the lecture platform.[22] His comments were partially inspired by chauvinism, for, after identifying the Congregational missionaries as Americans, he admitted, "Our missionaries are our missionaries – and even if they were our devils I would not want any English prelate to slander them."[23]

While in Hawaii, Rising was offered the position of financial secretary and general agent of the American Church Missionary Society. This he accepted on June 14, 1866,[24] resigning as curate of St. Paul's Church in Virginia City to which he never returned.[25] Twain and he left Honolulu on the same sailing-ship, the *Smyrniote*, July nineteenth.[26] "We were together," Twain wrote, "all the time – pacing the deck night and day – there was no other congenial company."[27] The *Smyrniote* was at sea for five Sundays, on which Rising felt it his duty to preach. Twice a Sunday, a large American flag was spread over the booby-hatch to provide him a pulpit.[28] As the other fifteen passengers did not pretend to sing and as Rising felt the necessity for a choir, Twain agreed to be his choir. "But," Twain later recalled, "we could find only one hymn that I knew. It was, 'Oh, refresh us.' Only one, and so for five Sundays in succession he stood in the midst of the people assembled on the quarter-deck and gave out that same hymn twice a day, and I stood up solitary and alone and sang it! And then he went right along happy and contented and preached his sermon."[29] Twain stopped at San Francisco, and Rising continued on to New York.[30]

It is doubtful that Twain and Rising ever saw each other again, but Rising seems to have supplied Twain with copies of the *American Church Missionary Register*, which he edited, for in one of Twain's letters to the San Francisco *Alta California* he gave a digest of information about the Children's American Church Missionary Society and the American Church Missionary Society at whose office, as reported by Twain, "orders for missionaries will be attended to with promptness and despatch, either in small lots or by the cargo." Of the *Register*, he wrote that it was a credit to Rising. "I do not write for her, but would, if so requested."[31] Rising never asked Twain to contribute to the *Register*, so today it is no more than one of many neglected missionary publications. Rising wrote at least one letter to Twain subsequently,[32] and in November of 1868 he left a card at Twain's hotel in New York.[33] Twain reciprocated the courtesy by calling on the corresponding secretary of the American Church Missionary Society and telling him of the influence that Rising had had over the miners and other settlers of Nevada.[34]

Rising continued as financial secretary and general agent of the American Church Missionary Society until his death. More and more he became closely associated with a radical evangelical movement within the Episcopal Church – interpreted as an attempt to take its life – and in August 1868 appeared an anonymous forty-three page pamphlet, entitled *Are There Romanizing Germs in the Prayer-Book?* which was widely known to have been written by Rising.[35] It was the opening gun of a campaign that, after Rising's death, led to the formation of the Reformed Episcopal Church.

Three months later, on December 4, 1868, Rising was killed in the burning of the steamers *American* and *United States* on the Ohio River. Having attended a missionary meeting at Covington, Kentucky, he had boarded the *United States* for Louisville. Shortly before midnight the two vessels collided and burned with a tremendous loss of life.[36] Upon reading of his death, Twain wrote to Livy, "You know the hymn – it is 'Oh, refresh us.' It haunts me now because I am thinking of a steadfast friend whose death I have just learned through the papers – a friend whose face must always appear before me when I think of that hymn – the Reverend Franklin Rising."[37]

NOTES

1. Franklin Walker, *San Francisco's Literary Frontier* (New York, 1939), p. 197; Albert Bigelow Paine, *Mark Twain, a Biography* . . . (New York, 1912), I, 371.

2. *Journal of the . . . Seventy-Seventh Convention of the Protestant Episcopal Church in the Diocese of New York* . . . (New York, 1860), p. 105; . . . *Seventy-Eighth Convention* . . . (New York, 1861), p. 100.

3. Henry Anstice, *History of St. George's Church in the City of New York* . . . (New York, 1911), p. 218; Samuel Unsworth, "The Protestant Episcopal Church," in *The History of Nevada,* Sam P. Davis, ed. (Reno, 1913), I, 555.

4. *Fourth Anniversary of the American Church Missionary Society* . . . (New York, 1863), p. 22.

5. Mark Twain, *Roughing It* (New York, 1899), II, Chap. 2.

6. Carl Van Doren, "Samuel Langhorne Clemens," in *D. A. B.*, IV, 192; Stuart P. Sherman, "Mark Twain," in *The Cambridge History of American Literature* (New York, 1921), III, 3.

7. Twain to Livy [his wife], Fort Plain, Dec. 19, [1868], in Clara Clemens, *My Father Mark Twain* (New York, 1931), p. 22.

8. Paine, *op. cit.*, I, 214-15.

9. Twain, *Roughing It, ibid.*, Chap. 6.

10. *American Church Missionary Register* (New York), III (March 1866), 89.

11. *Seventh Anniversary of the American Church Missionary Society* . . . (New York, 1866), pp. 38-39.

12. Albert Bigelow Paine (ed.), *Mark Twain's Notebook* (New York, 1935), p. 15; G. Ezra Dane (ed.), *Letters from the Sandwich Islands* . . . (Stanford, 1938), pp. 50-51; Ivan Benson, *Mark Twain's Western Years* (Stanford, 1938), p. 141; Cyril Clemens, *Young Sam Clemens* (Portland, 1942), p. 228.

13. Ralph S. Kuykendall, *The Hawaiian Kingdom, 1854-1874, Twenty Critical Years* (Honolulu, 1953), pp. 84-99.

14. [T. N. Staley], *A Pastoral Address* (Honolulu: Hawaiian Gazette Office, 1865); Despatch no. 15, W. W. Follett Synge, Honolulu, Oct. 14, 1862, in F. O. 331/8 (manuscripts, public records office, London); Ariana E. Austin to Mrs. John S. Sleeper, Oct. 14, 1862, in Walter Austin, *John Walker Austin* (privately printed, 1921), p. 54; H. Willis Baxley, *What I Saw on the West Coast of South and North America, and at the Hawaiian Islands* (New York, 1865), p. 517.

15. L. H. Gulick to R. Anderson, Honolulu, June 23, 1866, in American Board of Commissioners for Foreign Missions, Sandwich Islands, 1860-1871 (manuscript collection, Houghton Library, Harvard University), III, no. 337.

16. Damon to Anderson, Honolulu, July 13, 1866, *ibid.*, III, no. 180.

17. Lowell Smith to Anderson, Honolulu, July 17, 1866, *ibid.*, IV, no. 342.

18. Hawaiian Evangelical Assoc. Minutes for 1866, *ibid.*, I, no. 34; *The Friend*

(Honolulu), XXIII (July 2, 1866), 56. For other Hawaiian references to Rising, see the Aug. 1, 1866, issue of *The Friend*, p. 68; Gulick to Anderson, Honolulu, Aug. 25, 1866, in American Board . . . (note 15 above), III, no. 344; and Gulick to N. G. Clark, Waimea, Oct. 7, 1867, *ibid.*, IV, no. 14.

19. Gulick to Anderson, Kona, Sept. 24, 1866, *ibid.*, III, no. 345.

20. Dane (note 12 above), pp. 97-123 *passim;* and Twain, *Roughing It*, *op. cit.*, II, ch. 26.

21. Franklin Walker and G. Ezra Dane (eds.), *Mark Twain's Travels with Mr. Brown . . .* (New York, 1940), pp. 97-98.

22. Fred W. Lorch, "Mark Twain's Sandwich Islands Lecture at St. Louis," in *American Literature*, XVIII (Jan. 1947), 304; Walter Francis Frear, *Mark Twain and Hawaii* (Chicago: privately printed, 1947), p. 497.

23. Dane, ed., (note 12 above), p. 102.

24. *American Church Missionary Register*, III (Sept. 1866), 114.

25. *Inventory of the Church Archives of Nevada: Protestant Episcopal Church* (Reno: Nev. Hist. Records Surv. Proj., 1941), p. 12; and Clara Clemens (note 7 above), pp. 22-23.

26. *The Friend*, *op. cit.*, Aug. 1, 1866, p. 72.

27. Clara Clemens, *op. cit.*, p. 23. See also Gulick to Anderson, Honolulu, July 3, 1866, in American Board . . . (note 15 above), III, no. 338, for mention of Rising's letters on Congregational missionaries in Hawaii.

28. Cyril Clemens (note 12 above), p. 239.

29. Clara Clemens, *op. cit.*, p. 23.

30. Frear, *op. cit.*, p. 107.

31. Walker and Dane, eds. (note 21 above), pp. 209-11.

32. Mark Twain's *Autobiography* (New York & London, 1924), I, 239.

33. Clara Clemens, *op. cit.*, p. 23.

34. Heman Dyer, *Records of an Active Life* (New York, 1886), p. 315.

35. *Remarks on the Late Attempt to Take the Life of the Protestant Episcopal Church, by One of Her Children, with His Pamphlet Entitled "Are There Romanizing Germs in the Prayer Book?" A Letter to the Author* (New York: Pott and Amery, 1868). See also E. Clowes Chorley, *Men and Movements in the American Episcopal Church* (New York, 1946), pp. 398-400.

36. *Church Journal* (New York), XVI (Dec. 9, 1868), 364.

37. Clara Clemens, *op. cit.*, p. 22.

A Watch and Its Owners

By W. Barclay Stephens

In 1934, Maj. C. L. Tilden gave me a large gold watch, with a letter about the watch and its original owner, Capt. J. B. Moore; and as Captain Moore had played an important rôle in the civic and military affairs of early San Francisco, it seemed fitting that the letter should be published, together with supplementary information about him from as many sources as possible. (See Notes, appended to the letter.)

Like Moore, Major Tilden had taken an active part in the city's civic and military affairs, being in addition well known as a lawyer and business man. Consequently, the present paper has been divided into two parts—the captain and his watch, and the major—with the letter as preamble, printed as originally written.

OVERLAND FREIGHT TRANSFER COMPANY
Main Office 201 California St.
Established 1867
Incorporated 1883

San Francisco, Cal.
November 12, 1934

Dr. W. Barclay Stephens,

My dear Doctor:

I thought you might be interested in the gold watch which I hand to you herewith.

It has none of the features possessed by the old watches you now have,[1] but its history and the history of its former owner is very interesting.

This watch was manufactured in San Francisco by Tucker,[2] the old jeweller, known to everyone in the pioneer days on the Pacific Coast. In fact, Tucker's four-sided Tower, each side containing a large clock, regulated the time of all watches and clocks in San Francisco for many years. This Tower was situated on the northwest corner of Montgomery and Sutter Streets, I believe.

This watch was made to order and presented to a remarkable man, Col. J. B. Moore [b., Piermont, Grafton Co., N. H., Oct. 28, 1823[3]], who served throughout the Mexican War as a captain of a fine Company, and that Company crossed over into California under the command of then Captain Moore, so that he was a pioneer in California before gold was discovered.[4]

Subsequently the Captain served for many years as the head of the military organization known as "The Nationals"[5] (of which I was subsequently Captain), and for his services in building up that fine military organization, and as a token of their respect and devotion, the members thereof presented that watch to him on October 8, 1859, and he carried same until his death in 1905 [see note 13 below].

When the Civil War broke out "The Nationals" immediately organized a Company which became a part of the 1st Infantry Regiment of California.[6] That Company expected to be sent East, but instead were sent to Sacramento by river boat and then as Infantrymen marched from Sacramento crossing the Sierras to Salt Lake City,[7] where they relieved a regular regiment of the United States Army, that regular regiment then proceeding east.

Thereafter that California Regiment preserved order among the Indians on the Western Frontier in the then called "Great American Desert," serving not only in Utah, but in Arizona and New Mexico. That Regiment experienced some of the hardest campaigns ever known in wars, great or small, fighting Indians in small detachments.[8] Remarkable to state that Regiment was not discharged until some time in 1866, serving for more than one year after the Civil War ended.[9] Colonel Moore had been promoted until he was Colonel in command, when they were mustered out of the United States service.[10]

Thereafter Col. Moore became a very prominent citizen of Nevada. He was State Senator and Lieut.-Governor of Nevada,[11] and attended many National conventions as a delegate from that State.

The sad part of this story is that Col. Moore at one time was a very wealthy man, but due to a combination of circumstances and outrageous frauds committed upon him, he lost everything[12] and practically the only possession he had at the time of his death,[13] was this watch. You can, therefore, realize how highly he appreciated my friendship when he willed this watch to me and I am sure that if he is now looking down from Heaven, where he certainly must have gone, he would be pleased to know that the watch has found a fine resting place with one like yourself who treasures such things so greatly.

This brief history of Col. Moore fails to record what a remarkable man he was. He was admired and respected by all who came in contact with him, and I counted it as one of my blessings to have been intimately associated with him for many years.

If this watch could speak and tell where it has been and what adventures it has witnessed during those strenuous days of Indian campaigning, it would doubtless tell a story, which might be called "The Illiad of the West."

This watch has been in my possession ever since his death in 1905, but I have never worn it, and yet when I wound it up the other day, after nearly thirty years, it started to run immediately.

Sincerely your friend,

C. L. Tilden

NOTES

1. My collection of watches, clocks, sundials, sandglasses, etc., is now on permanent display, under the title "Time," at the California Academy of Sciences, Golden Gate Park, San Francisco.

2. See section, "The Watch," for explanation why this mistake, attributing to Rucker the watch's manufacturer, obtained currency.

3. Biographical sketch of Col. J. B. Moore, in *History of Nevada* [hereafter cited as *Hist. Nev.*] (n.p.: Thompson and West, 1881), p. 390. The sketch adds the interesting information that Moore "served seven consecutive years on the San Francisco police force," which is confirmed by the San Francisco *Directories*, 1855-56 – 1861.

4. *Hist. Nev., ibid.*, gives 1852 as the date of Moore's arrival in California. It must be borne in mind that Major Tilden was writing from memory of events long passed.

5. In 1855, a private military organization, "The National Guard" (afterward abbreviated to "The Nationals"), was formed. Their early records were burned in the San Francisco fire of 1906, but the date of their organization can be deduced from the portion of their minutes that were saved: "1886 Aug. 41. The thirty first anniversary of the organization of the 'National Guard' was celebrated. Original founders of 'The Nationals' present were Col. J. B. Moore and Atkins Massey, the rollicking undertaker." I am greatly indebted to Mr. John J. Hyer of San Jose and Mr. John L. Santiago of San Francisco for information about this organization.

6. According to Richard H. Orton, *Records of California Men in the War of the Rebellion, 1861-1867* [hereafter cited as *Orton*] (Sacramento, 1890), p. 505, it was the 3d U. S. Infantry, later called the "Third Battalion of Infantry," which was organized at Stockton and Benicia Barracks, Oct. 31-Dec. 31, 1861, to serve three years. They were mustered out Nov. 14, 1864.

7. Summaries of the battalion's services are given on pp. 505 and 520 of *Orton.*

8. For the hostility of the Indians, and particularly of the Mormons under Brigham Young, see *Orton,* pp. 509ff, 516.

9. The reference here is to the consolidation in Dec. 1865 of companies C and D, Third Battalion of Infantry, leaving but three companies, which were finally mustered out July 27, 1866. *Orton,* p. 505.

10. The principal facts in Jeremiah B. Moore's military service are tabulated by *Orton,* p. 522: lt. Col., enrolled at Sacramento; date of enlistment, Mar. 29, 1863; date of muster, Feb. 11, 1864; promoted from Capt. Co. B; resigned Dec. 21, 1864. According to *Hist. Nev.*, p. 390, his military record was as follows: in 1861, raised company of volunteers for 3d regiment; elected captain; in Oct. of same year promoted to be lt. col.; in 1863 "came to Nevada and commanded Camp Ruby, also Camp Douglas in Utah, and was discharged in the month of January, 1865, at his own request."

11. No confirmation of this statement has been found.

12. Information, as to what this misfortune was, has come from Miss Jean McElrath, writer for the Elko *Daily Free Press,* who had interviewed Mr. R. M. Steele, son-in-law of Francis Honeyman (former officer under Moore), at whose ranch in Clover Valley, between Ruby Valley and Wells, Nev., Moore had visited. It seems that Colonel Moore had been one of the 90% of Nevada stockmen who had been financially ruined by the loss of their cattle during the winter snow-fall, 1889-90.

13. Miss McElrath's interview with Steele (note 12 above) yielded the information that Colonel Moore had died in a soldiers home in California, location uncertain. Pursuing this lead, I wrote to the Veterans Home of California in Napa County, from whom came the following reply: "We find that Lt. Col. Jeremiah B. Moore first entered the Veterans Home of California on December 26, 1898. He was discharged June 29, 1899, and readmitted to the Home September 21, 1900, and stayed here until he passed away on December 15, 1904. He was buried in the Veterans Home Cemetery, Section A, Row 9, Grave 21."

What were the "outrageous frauds committed upon him," spoken of by Major Tilden, I have been unable to ascertain.

THE WATCH

From long wear, the engine turning, which originally adorned the handsome solid-gold hunting case of the watch which is the occasion of this paper, is worn almost smooth, and the inscription—"The California National Guard to their Captain J. B. Moore, Oct. 8 1859"—upon the front cover is nearly obliterated. The watch is two and three-quarters inches in diameter and three-quarters of an inch thick, a marked contrast to the small thin watches of the present. It is wound with a key, stem-winding watches being then a rarity.

Major Tilden states that the watch was made by J. W. Tucker, the major having been led to this conclusion from the fact that upon the back of the movement is stamped, "J. W. Tucker, San Francisco, Cal. No. 10,140." Notwithstanding this quite-apparent declaration that Tucker made the watch, the movement is clearly of English manufacture, namely, an English side lever, with a fusee and chain which the English makers used long and persistently after other makers had practically ceased their use. The train wheels have large quartz jewels, much in vogue at that time, and there is a diamond cap jewel over the balance-wheel staff.

Inside the front and back covers is stamped the name "J. W. Tucker," and, immediately below the name, is a small bear with "18" below it; still further below is "Cal." In addition to this, the back cover carries the number "10,140." In all probability the case was made in San Francisco by a case maker in Tucker's factory, or by one of the several case makers who were in San Francisco at that time. Had the case been made in England, it would have had the English hallmarks, from which the date of its manufacture could have been determined; it would also have had the initials of the case maker.

It was common practice for Tucker to have his name stamped upon the movements, as can be seen from the many existing watches so marked; but none were made by him. Not until 1874 were watches made in San Francisco. In that year, W. C. Ralston and associates bought the Cornell Watch Co. of Chicago and moved it to San Francisco, where it became known as the Cornell Watch Co. of San Francisco. It failed, but was reorganized as the California Watch Co. In 1876 the latter likewise failed and its stock of machinery and parts was sold.

As Major Tilden states in his letter, Tucker's four-sided clock tower at the northwest corner of Sutter and Montgomery streets played an important part in the regulation of time in San Francisco, viz., from 1866 to 1873. Tucker started his business of watchmaking and jewelry before 1850 and his was therefore one of the earliest companies so engaged. Under "Progress of the City," in the San Francisco *Directory* for the year commencing October 1868 (p. 15), is an item reading: "The following buildings, all of recent construction . . . are . . . entitled to special mention both on account of their magnitude and cost . . ." Among them was Tucker's. In 1873 both the building and the business changed hands, Randolph & Co. moving in and Tucker going to 131 Kearny Street, where he began a new business under the name "Tucker Jewelry Manufacturing Co., J. W. Tucker & Co. managers." After 1876 his name disappears from the *Directories*. The presumption is that Randolph & Co., being in the same line of business as Tucker, bought both business and building; otherwise it is unlikely that Tucker would have changed the character of his new venture.

Col. J. B. Moore's watch has now ceased its wanderings and has found a permanent place in the horological collection at the California Academy of Sciences, in the exhibit case marked "Historical and Association Watches."

CHARLES LEE TILDEN

The writer of the letter quoted above was born July 17, 1857, in a mining camp known as Chili Gulch, near Mokelumne Hill, Calaveras County, California. At the age of nine years (1866) he went with his parents, Judge and Mrs. Harmon John Tilden, to San Francisco. There he attended successively the Lincoln Primary School, Lincoln Grammar School (from which he graduated in 1871), and the Boys School, on the east side of Powell Street between Sacramento and Clay.

Following his graduation from the Boys School, he entered the University of California. He was then sixteen. Four years later (1878), he won his Ph.B. and then entered Hastings College of the Law, from which he graduated in 1881 with the degree of LL.B. He was admitted to the bar the same year and joined his father in the practice of law, with offices in the Phelan Building on Market Street. In 1887 Judge Tilden retired; Walter F. Whitcomb became an associate in the firm, which shortly thereafter moved to the Crocker Building at the gore of Post and Market.

As long as his father remained in San Francisco, Charles made his home with him at 1132 Valencia Street. After his father moved to Niles in 1887, the younger man lived, most of the time until his marriage, at the armory of The Nationals, 324 Post Street. On June 9, 1892, he was married to Mrs. Lily F. von Schmidt Mitchell and they took up their residence in Alameda. There a son, Charles Lee Tilden, Jr., was born on June 4, 1894.

From her former husband, Mrs. Tilden had inherited The Overland Freight and Transfer Co. Major Tilden was made the president of the company and under his management it developed into the most important organization of its character west of Chicago.

Major Tilden's lively interest in military affairs and tactics began while he was a student at the University of California, and on March 22, 1880, he enlisted in The Nationals, one of the many private military companies of that day. (See note 5, above, for previous mention of this group.) By 1882 he had reached the rank of lieutenant. In that year a new company was formed, of which he was made a first lieutenant and shortly afterwards captain. By 1894 his business interests had become so pressing that he asked to be relieved of his military duties. His request was granted and his name was placed upon the "Life Roll" of the Nationals. In 1896, though no longer active in military matters but at all times available as a business and financial adviser, he was promoted to the rank of major. Immediately upon the opening of the Spanish-American war in 1898, he returned to active military duty and went to the Philippine Islands as senior major of the 1st California regiment* of the national guard, in which were included many of his old comrades in The Nationals. He served with distinction throughout the war and was present at the surrender of Manila.

After his return from the Philippines, he continued to have a deep concern for the men who had been under his command and they in turn had admiration for "The Major," as they called him. This nickname was also used commonly by his personal friends—to such an extent that "The Major" always meant Major Tilden.

At the outbreak of World War I, he was too old for military service. Instead, he served on Herbert Hoover's food commission. Another of his civilian activities during the war was the building of ships at the Columbia River, but his interest in military affairs was strong and continued to the end of his life. Frequently in my conversations with him he would bring up some subject connected with the strategy that had been employed in a crucial Civil War battle.

In 1906 occurred San Francisco's catastrophic earthquake and fire. Tilden was in Europe at the time but returned at once, stopping in New York only long enough to arrange about the funds that would be necessary for restoration of his various businesses. The fire had destroyed all his legal records and books; thereafter he never resumed active practice of the law, but there was in his head a vast store of well-tried legal knowledge which was of inestimable value to him and his associates in clearing real estate titles and in reorganizing their businesses. His office from that time on was at the Overland Freight & Transfer Co.'s headquarters, the nature of whose business was of great service to the city in that period of its history. This and his other concerns so filled his time that he could not have resumed his legal practice even had he so desired.

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*I remember the return of the regiment in 1899 when the troops marched up Market Street to the cheers of the crowd. The cheering was redoubled when a group of army nurses marched by.

From information supplied by his son, from the San Francisco *Directories*, from personal knowledge, etc., the following list of his activities in the professional and business worlds has been compiled: law, mining in California and in Alaska; Overland Freight & Transfer Co.; John Hammond & Co., cable and other street-car construction; R. H. Swayne & Co., lumber and milling, 25 miles northeast of Oroville where the town of Tilden grew up; a founder and president of the Encinal National Bank of Alameda; Garnet Young & Co., electrical supplies; H. G. Prince Canning Co.; principal owner, Pacific Coast Oyster Co.; president and owner, Tilden Sales and Board of Trade buildings; ship building; real estate dealer; proprietor of warehouses. And yet, in the presence of this array of commercial interests, he found time for civic duties.

At the time of the 1906 earthquake he had been for four years in charge of the city's sanitary reduction works, with offices at Fifth and DeHaro streets, and later at 518 Montgomery Street. This task had been assigned to him in 1902, when the disposal of garbage had become an acute problem. It had been decided to dispose of the combustible portions by incineration, and his duty was to see that a suitable incinerator was installed and put into operation. In 1907, the task having been accomplished, he resigned that he might devote more time to the Overland Freight & Transfer Co. and to his other interests.

On February 11, 1927, he was again called into public service when Gov. C. C. Young appointed him a member of the state harbor board with offices in the Ferry Building, San Francisco. He was elected president of the board at its first meeting on February fifteenth and served in this capacity until his resignation on January 14, 1931. During this time the board had been reorganized for more efficient conduct of its affairs.

From 1920 until 1925, he was a member of the Alameda city council. Some ten years later, when an unprincipled clique gained control of the council, he took a prominent part in instituting legal proceedings, which, by January 25, 1936, resulted in the ousting of the members of the clique and in sending the principal offender to the penitentiary. The subject of graft in municipal affairs was not new to Tilden, for he had lent his support to those opposed to the Schmitz-Ruef regime in San Francisco in 1902-1908.

Like his father, he was in politics a staunch Republican. Upon the wall of his bedroom hung a photograph of President Ulysses S. Grant. It had been given to him when, as a youth, he had been taken by his father to call on the president. Tilden's interest in politics was not directed toward holding office, himself, but in seeing that the voters were given worthy candidates to choose from.

Major Tilden was a great believer in fraternal organizations. He started this interest while attending the University of California, where he was one of the charter members of the Delta Kappa Epsilon fraternity. He was an Odd Fellow, a Mason, an Elk, a member of the Veterans of Foreign Wars, and in 1888 he was the chief organizer of national parlor No. 118 of the Native Sons of the Golden West. By 1930, The Nationals had ceased to be a military organization and had become a social body. The membership was falling off and the finances were reaching a low ebb. At this point Major Tilden came to the rescue by bringing the parlor of the Native Sons into the quarters of The Nationals as a body, each group retaining its own identity but each having the use of the facilities and sharing the expenses. The arrangement proved advantageous to both parties.

In 1873, Major Tilden, always athletically inclined, became a member of the Olympic Club and later a life member. In November 1919 he joined the Commonwealth Club of California. He was also a member of the Commercial Club of San Francisco and of the Claremont Country Club of Oakland. From this record it can be seen that he liked people.

With the exception of two years, he served (1935-43) simultaneously with Herbert Hoover as a trustee of Mills College, the ex-president's term having begun in 1933.

Tilden's sonorous voice, ready command of excellent English, and his emphatic delivery made him an effective speaker. Some of his comrades in arms have told me that in ticklish situations he could, with one of his short, sharp, emphatic speeches, quickly bring about a settlement. An early member of The Nationals wrote me that in his "pep" talks, one of his favorite expressions was "esprit de corps." It seems safe to assume that his, at times, salty tongue and enthusiasm had much to do with the fine record of the different "corps" (in its non-specific sense) under his command.

In religious matters, Tilden was a member of the board of the Oakland Unitarian Church while Dr. Clarence Read was the pastor. Among his personal and community charities were dependents of his fellow veterans. Some deserving young men, too, have reason to be grateful to him for aid in completing their college courses, of which few not directly concerned were aware. Of special appeal to him were the Red Cross and the Boy Scouts. When the Boy Scout Council was formed in Alameda in 1916, he was one of the first supporters, and he remained a faithful scouter to the end of his life.

The crowning event of that long and useful life was his steering to completion of the Tilden Regional Park in the hills of North Berkeley. Justly does the park bear his name, for no other man had more to do in securing the original holdings and later in bargaining and dickering for additional land. His legal, business, real estate experience, and his knowledge about making favorable contracts for buildings and other installations, were always at the service of the park's board, of which he was elected president at the time of its organization in 1934. He continued in this capacity until 1950, when, in deference to his failing health, he was retired with the title of president-emeritus. So greatly did the board value his advice that even after his retirement they would at times meet at his house.

In recognition of Major Tilden's great community service, his friends and admirers erected in the park a bronze bust by the sculptors Holger and Helen Webster Jensen. It was unveiled on July 20, 1950, in the presence of friends and public officials.* His death occurred less than four months later, November 12, 1950, at the age of ninety-three.

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*For an account of the ceremonies, with a photograph of the bust and members of the family, see the Oakland *Tribune*, July 20, 1950.

Rufus Allen Lockwood

By ROBERT P. HASTINGS

(Concluded)

With the great influx of population in 1849 and 1850, the city council prepared a survey of the underwater lots, and, on January 3, 1850, Alcalde Geary sold at public auction, pursuant to instructions from the city council, many hundreds of the lots to opportunists and speculators. Messrs. Seabury, Parker and Gifford acquired, at $1600 and $1700 per lot, the same lots to which Field's predecessors in title claimed ownership. These three speculators, however, neglected to record their deeds, take possession, or otherwise exercise any acts of ownership over the lots.

Following California's admission into the Union in September 1850, it was conceded by all parties that ownership of these beach and water lots became vested in the state of California, through the operation of well-established principles settled by decisions of the U. S. supreme court in the Alabama tidewater cases. The state then had to determine whether it would appropriate the entire property, or would recognize and confirm the existing "city titles" and "alcalde grants." By the water-lot act of March 26, 1851, the state confirmed the titles of the holders of grants.

This was the state of affairs when on May 9, 1856, Lockwood appeared before the U. S. supreme court to plead Field's case. His argument, 37 pages in length, plus his 43-page supporting brief, demonstrated a complete understanding of the land laws of California, together with an enormous amount of research into the early Mexican history of land titles. He asserted Field's paramount title by reason of the Leavenworth grants, confirmation by the town council, double registry and recordation of the deeds, compliance with the provisions of the confirming act of March 26, 1851, plus actual possession by Field and his predecessors in title for a period in excess of five years, and, finally, by failure on the part of plaintiffs and their predecessors in title to comply with the registry and recording laws and the provisions of the confirming act.

Lockwood's argument was technical in the extreme, logical, to the point, completely devoid of emotion and not at all flamboyant. In his final summation, he called the court's attention to the fact that the property to which his client, Field, claimed title was originally a "grant of a waste lot." After describing all the mesne conveyances from the holder of the original grant to Field, he added that the:

> . . . plaintiffs, after having suffered their pretended right, under the auction sale of January, 1850, to slumber for more than five years (5 years in California!) and permitted the occupants to transform the premises from a watery waste into costly commercial edifices, (paying heavy taxes to the public revenue) now seek to wrest from the possessors the fruits of their enterprise, and attempt to impeach (collaterally, in ejectment and without notice) the Legislative grant for alleged fraud in the original Alcalde grant and confirmation.

The supreme court's decision, which was not rendered until February 9, 1857, was a complete victory for Lockwood, and Field's title was upheld.[143]

This was Lockwood at the summit of his legal career, and as such he has been described:

> . . . Over 6 foot in stature, of herculanean proportions . . . he was a conspicuous object in any gathering. But when one looked upon him closely and saw the large grayish-blue eyes which shone sometimes so brightly, but oftener so terribly in gloom, or anger . . . it was impossible for the beholder not to realize, that before him was a giant in all that makes men mighty. . . . His mirth was that of an old lion at play. . . . His voice was . . . loud and gruff . . . but he could . . . infuse into the argument . . . a pathos that was so overpowering that it melted the stout hearts of his hearers. . . . For wealth and honors he had an invincible contempt; yet he had a towering ambition to excel in his profession. . . .[144]

Immediately following the supreme court hearing in Field *vs.* Seabury et al., Lockwood left Washington, traveled by ship to Panama, crossed by foot to the Pacific Ocean, where he boarded the *Golden Gate,* and sailed in early June of 1856 for San Francisco. A fellow passenger, Amelia Ransome Neville, has recorded that two deaths occurred on board the ship, one a small child and the other a sailor who had been confined in one of the ship's unlighted boilers for disobedience and, through an oversight, had not been removed before it was lighted up. She wrote that the:

> . . . two deaths and the profoundly moving burial at sea depressed us all and I was so grateful for the happy, irresponsible wit of Rufus Lockwood. He was one of the young lights of the law in San Francisco, returning after a visit "back East"

and he was frequently my partner at the endless games of whist and cribbage we played to pass the time. When we would all relieve our feelings over discomforts of the voyage, he would say solemnly, "If I ever go to sea again, I hope to drown."[145]

Palmer, Cook & Co. ran into financial troubles before the end of 1856, resulting largely from unwise land speculations. The firm had been the financial agent for both the state of California and the city of San Francisco. Joseph Palmer, its head, had been one of Frémont's strongest supporters; he had in fact journeyed to Washington in November 1855 in an effort to secure the Republican nomination for the general. In the midst of the presidential campaign of 1856, Palmer, Cook & Co. defaulted, owing both the state and the city of San Francisco in excess of $100,000. Buchanan's supporters endeavored to smear Frémont's name by involving him. The San Francisco *Globe*, reviewing the business affairs of Palmer, Cook & Co., accused the general of complicity with them in exploiting the Mariposas mines. Frémont made a public denial that he had ever been a partner or associate of Palmer, Cook & Co., and his political followers did everything within their power to dissassociate his name from that of the discredited firm.[146]

In the early spring of 1858 the Merced Mining Co. brought an action against General Frémont in Mariposa County, to restrain him from working certain gold mines in Bear Valley in that county; they claimed ownership to the mines upon the basis of actual possession and denied the validity of Frémont's patent. Lockwood represented Frémont before the district court in Mariposa County. An ex parte injunction having been issued at Sacramento enjoining the general from interfering with the mining company's right to work the mines, Lockwood filed an appeal, and, pending the hearing on appeal, apparently advised his client to resume working the mines, which the general proceeded to do, whereupon the mining company brought a contempt proceeding against him. Lockwood was successful in having the general discharged of contempt upon technical grounds.[147] But this dispute between the mining company and Frémont was not finally resolved until it had been argued three times by the California supreme court.[148] Although Lockwood did not appear as counsel for Frémont before the supreme court, that court supported his position that there had been no basis for contempt. As a sidelight to the main dispute, the Merced Mining Co. joined Lockwood and the general, as defendants, in a separate action for injunctive relief filed before the district court in Mariposa County in

August 1857. However the injunction sought was denied. The complaint in that action indicated that Lockwood was in debt, for it alleged that "the defendants, except Lockwood and Frémont, are merely holding possession of the veins for the purpose of paying themselves out of the proceeds thereof money due them from Lockwood."[149] It would not be too fanciful to suppose that Frémont was indebted to Lockwood for past attorney's fees and had assigned to him an interest in the mines; that thereafter Lockwood, becoming indebted to others, had mortgaged his interest in the mines as security for payment of the debt.

It is not known when Lockwood brought his wife and children to California. He had left them at Lafayette, Indiana, in 1849. His great friend, Elias L. Beard, had sent for his wife and daughter in the summer of 1853,[150] but there is nothing to indicate the presence in San Francisco of Lockwood's family until the spring of 1857. He is thought to have urged his wife at one time to sell their 840-acre farm which was on the boundary line between Tippecanoe and White counties, and to join him in California. She did in fact bring the children to San Francisco but refused to sell the farm as she wanted to have some place to return if and when Lockwood should again disappear.[151]

The baptismal registry of Old St. Mary's Church in San Francisco shows that on March 8, 1857, Rufus Albert Joseph Lockwood, born April 5, 1845, and Anna Hariet [*sic*] Maria Lockwood, born September 18,[152] 1848, the two youngest children of Rufus Allen Lockwood and Hariet [*sic*] Maria Hill, were baptized by the Rev. Joseph A. Gallagher, their sponsors being J. A. Gallagher and Maria Gallagher.[153] In all probability, his daughter Zenobia Angelina Lockwood never was in San Francisco, at least during Lockwood's life.[154]

On August 20, 1857, Lockwood, his wife and all his children, except Zenobia Angelina, boarded the *Sonora* at San Francisco bound for Panama, and, after crossing the isthmus to Aspinwall on the Atlantic, took passage on the *Central America* for New York.[155] Lockwood's principal reason for taking this trip was to attend to certain business for, and present claims on behalf of, General Frémont in Washington.[156]

The *Central America* was originally constructed at Webb's yard in New York in 1852, and christened the *George Law.* Apparently she was not a particularly modern or seaworthy vessel; when purchased by the Pacific Mail Co. for use on the Atlantic side of the New York to San Francisco run, she had been refitted and metaled in August 1856 by her new owners and her name changed to the *Central America.*

She departed from Aspinwall on September 6, 1857, put into Havana, Cuba, and left Havana for New York on the morning of the tenth with 800 passengers and crew members aboard. Among the passengers from San Francisco, in addition to Lockwood and his family, were William Ede, capitalist; Gwynn Page, an attorney; C. S. Shreve, jeweler; and Mr. and Mrs. A. J. Easton on their wedding trip.[157] The *Central America* also carried approximately $2,000,000 in gold.

Upon leaving Havana, she ran into a heavy storm which by afternoon reached hurricane proportions. Her seams were opened up. Buckets were passed, and all hands, passengers included, were ordered to bail. The inrushing water soon extinguished the furnaces, and by afternoon of the twelfth, the *Central America* was wallowing helplessly in heavy seas. The brig *Marine* of Boston was the first to reach the disabled vessel, and 26 women and children, including Mrs. Lockwood and her four children, were transferred in small boats to the *Marine* and taken to Norfolk, Virginia. The *Central America's* chief engineer, George E. Ashby, "also jumped into the small boat and pushed off in a cowardly manner."[158] Other passengers were rescued by the *Saxony* and the *Empire City*, but over 500 people, including Rufus A. Lockwood, went down with the *Central America*. There are no known eye-witness accounts of Lockwood's end. It has been said, however, that, exhausted from bailing, he told one of the officers that he would "work no more" and thereupon retired, alone, to his cabin.[159] It has also been reported that "he could have saved his life had he consented to abandon the manuscript of a book which he had written," and that he "was last seen standing on the deck of the sinking ship with his arms folded across his breast, calmly awaiting the inevitable."[160] Another version, and certainly more in keeping with his character, is that he was last observed "sitting on the quarter deck calmly smoking his cigar when the ship went down."[161]

The news of this disaster first reached San Francisco on October 22, 1857. The editorial column of the San Francisco *Bulletin* for that day announced a meeting of the bar at the "United States District Court room, at 4 o'clock this afternoon for the purpose of passing appropriate resolutions of respect for the memory of Gwynn Page and R. A. Lockwood."[162]

The people of San Francisco were up in arms about the disaster and newspapers severely criticized the Pacific Mail Co. for permitting such an unseaworthy vessel to be in the passenger service. The *Central Amer-*

ica was referred to as having been so unfit as to have been entitled to "an eternal rest in the boneyard." Her owners, however, felt obliged to issue a formal statement: "The 'Central America' . . . was justly regarded as one of the best and staunchest sea boats afloat and her disasterous loss can only be attributable to circumstances completely beyond human control."

Notwithstanding this statement by her owners, the people of San Francisco held a mass meeting on November 2, 1857, and adopted a resolution condemning the "heartless cupidity of the steamship companies"; they petitioned Congress to "open and complete at least one wagon road to California and protect the same by sufficient military." This was the beginning of the movement which brought about the eventual construction of a transcontinental road."[163]

Following their rescue,[164] Lockwood's widow and four children were deposited by the brig *Marine* at New York City where, according to the New York *Daily Tribune* for September 22, 1857, they stopped at the Hotel Metropolitan. They eventually returned to Indiana where his widow remained for the rest of her life. So accustomed had she been to Lockwood's frequent disappearances and reappearances that, although she survived the loss of the *Central America* by forty years, she fully expected that one day Lockwood would again reappear.[165] But this time Lockwood never did.

He left a one-page holographic will dated February 3, 1849, the original of which is on file among the probate records of Tippecanoe County, Indiana.[166] By this document his entire estate was left to his wife, who was also named as his executrix. The will was probated in Tippecanoe County,[167] notwithstanding the fact that he was a resident of California at the time of his death. All of the probate records have been destroyed except the will and the executrix's final account. The will was admitted to probate on February 15, 1858, his widow alleging that Lockwood was "formerly of said county [i.e., Tippecanoe], late of Mariposa County in the State of California." However, letters testamentary were not issued to the widow until February 12, 1861, and her bond was set at $100 upon her representation that she had

> . . . no knowledge of any personal property belonging to the estate of said decedent, that there is a bond for the sum of One hundred thousand dollars made by one John C. Frémont to said decedent in the month of September 1857 payable out of the profits or receipts of the Mariposa mine in said California, that said bond is of very doubtful and nominal value if of any value whatsoever and that

> it is impossible for her to state that the estate of said decedent is of any stated or definite value. . . .

She and her counsel evidently were greatly perplexed as to how to effect collection of this claim against General Frémont, for the probate file shows that on December 15, 1862, the executrix stated that

> she has nothing to report to the court, having been advised at this time to defer suing Major General John C. Frémont, and her attorney still holding the matter under advisement to bring suit against whom was the sole purpose of issuing the letters of Executorship . . . and asks further time to report. . . .

There is no further mention of this claim against General Frémont. Whether there was any legal basis for the claim, and if so, whether the general repudiated it, is not known. In any event, the estate was not closed until June 29, 1865, and the decree of distribution contains no reference to this claim nor to its collection.

NOTES

143. Account of Field litigation obtained (a) from Field *vs.* Seabury et al., 60 *U. S. Repts.*, 323 (15 *L. Ed.*, 650); (b) from *ibid.*, 333 (15 *L. Ed.*, 655); (c) from "Argument of Rufus A. Lockwood before the United States Supreme Court, December term 1855," in Edward Field *vs.* Pardon G. Seabury, Ward M. Parker and Henry B. Gifford; and (d) from "Brief of Rufus A. Lockwood" – all of which are on file with the clerk of the U. S. supreme court. Items (c) and (d) are also available in the rare book section, Huntington Library.

144. "Early Californians . . ." (note 129 above), May 12, 1877.

145. Neville (note 117 above), pp. 32-33.

146. Nevins (note 134 above), p. 446.

147. Merced Mining Co. *vs.* Frémont, 1 *Labatt,* 41, thirteenth judicial dist. court, March 1857.

148. Merced Mining Co. *vs.* Frémont, 7 *Calif. Repts.*, 130; Merced Mining Co. *vs.* Frémont et al., 7 *Calif. Repts.*, 317; Frémont *vs.* Merced Mining Co., 9 *Calif. Repts.*, 19.

149. Merced Mining Co. *vs.* Lockwood, 1 *Labatt,* 192, thirteenth judicial dist. court, Aug. 1857.

150. "Mrs. E. L. Beard and daughter arrived at San Francisco on the 18th of July – in health." Lafayette *Daily Courier,* Sept. 2, 1853.

151. Statements by Mrs. J. B. Se Legue, note 2 above.

152. Lockwood's Bible and *Jessup Genealogy* give date of birth as Sept. 21, 1848.

153. Father Claude J. Collins, paster, Old St. Mary's Church, San Francisco, to present writer, Sept. 5, 1952, inclosing copies of baptismal certificates, together with statement that they are the only records of Lockwood family's connection with that church; and that no records of the parish exist earlier than 1854.

154. For Angelina's marriage to Key Wilson, see note 35 above.

155. New York *Daily Tribune*, Sept. 18, 19, 21 and 22, 1857; San Francisco *Bulletin*, Oct. 22, 1857.

156. *Alta California*, Oct. 30, 1857.

157. Their daughter married Col. Charles F. Crocker. The Eastons were saved; Shreve was drowned.

158. He countered this charge by claiming that he was ordered to leave the *Central America* by its skipper, Lt. William Lewis Herndon, USN, who went down with his ship.

159. *Booth*, p. 497.

160. L. M. Crist, *History of Boone County*, I, 216.

161. Richards, *op. cit.*, p. 33.

162. For comparison of legal abilities, as between Lockwood and McDougall, see Shuck, *Representative and Leading Men . . .*, p. 601.

163. "Wreck of the Steamship *The Central America*," San Francisco *Chronicle*, Feb. 23, 1896.

164. In addition to the contemporary newspaper accounts, see H. D. Barrows, "The Foundering of the Steamship *Central America*," Hist. Soc. of Southern Calif., *Publications*, IV (1898), 70-75; and Ernest A. Wiltsee, *Gold Rush Steamers of the Pacific* (San Francisco, 1938), pp. 236-37.

165. Statements by Mrs. J. B. Se Legue.

166. Handwriting is identical to that in family-Bible notations; evidently written prior to his departure for California.

167. Tippecanoe County (Lafayette, Ind.) probate index, will records, vol. II, pt. I, April 8, 1845–Dec. 12, 1864, p. 335; original will and probate pleadings, box 421, courthouse basement. See also common pleas order book, no. 7, pp. 147-53; no. 8, p. 14; no. 10, p. 76; and final record book, common pleas court, vol. 18, pp. 362-67. Search of San Jose, San Francisco, and of Mariposa County records by present writer failed to disclose existence of any Calif. probate of his estate.

Newspaper Art in Stockton, 1850-1892

By Robert E. Huffman

In the illustrations appearing in Stockton newspapers from 1850 to 1892 one can trace, in this relatively small area, the attempts at picture-reproduction that had been made and were still being made* on a world-wide scale. The present study is limited to the use of the wood-block and of other, not always identifiable, engraving processes anterior to photoengraving; and as the craftsmen were, themselves, generally unidentifiable, much of their work remains anonymous.

The variety of their tasks can be seen from the following: Early in the wood-block's history, several engravers might be employed to engrave one drawing. The next step might be to stereotype or electroplate the block. Lithographers could then be employed to print the block. At a somewhat later date the drawing passed into the hands of the photographer, if it had not already been photographed upon the wood-block as a preliminary step. The photographer might also be a zincographer, as the early zinc-line engravers were known. The zincographer gave way to the photoengraver, and so on. In any case, the artist was always succeeded by an intermediary craftsman who assisted in the process of creating multiple images.

Arbitrary limits had likewise to be given to the period included in the present study. The appearance of the first locally-published newspaper in Stockton in 1850 supplied the beginning date. The half-tone screen, enabling the engraver to reproduce mechanically the gradations of tone found in photographs, paintings, or drawings, more rapidly than many men could engrave a wood-block to obtain the same tonal effect, marked the commencement of modern newspaper-art reproduction; and, as a half-tone made its first appearance in a Stockton newspaper (the Stockton *Independent)* in the summer of 1892, that event supplied the end date.

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*The broad historical fields of this subject are dealt with by Frank Luther Mott, cited in note 10 below; and in Helmut Lehmann-Haupt's *The Book in America* (New York, 1951).

For the chronology of the rise and fall of the wood-engraver in Stockton one must go to the *Directories* of San Francisco, for that is where the Stockton pictures were produced, an examination of Stockton newspapers and *Directories* having revealed, with minor exceptions, no local craftsmen. The San Francisco *Directories* also recorded in the classified sections the development of new processes, generally photomechanical in the case of the newspaper. The origins of the new techniques are shrouded in obscurity, because the discoveries were regarded as trade secrets and because the craftsmen were not writers and did not discuss the elements of their trades; but that new processes existed is attested by the San Francisco *Directories,* as well as by the appearances of recognizable techniques in books and magazines.

Among the newcomers during the gold rush was Henry Hayton Radcliffe, editor of the Stockton *Times,* the first local newspaper, which made its appearance on March 16, 1850. Radcliffe, a fellow of the Royal College of Surgeons in London,[1] regarded the editorship as an inducement to write about minerology. John White, a storekeeper, financed the sheet. This was the year that the *Alta California* became San Francisco's first daily.

Four months after the *Times*' initial appearance, Radcliffe recounted that there was little newsprint and he had feared he would be unable to meet the first deadline, but in San Francisco he had come upon "a parcel of lawyer's brief papers" which served as newsprint for the issue.[2] On September 9, 1850, he observed that a steam printing press had been shipped to the Stockton *Times* of which he had received notice "the first of August last." The consignment consisted of, "a double cylinder printing machine with complete new jobbing and printing material sufficient to publish a newspaper twice the size of any in California."

Meanwhile, in San Francisco, mechanization was proceeding, with the *Alta California* employing three steam presses in 1851 to meet the demand for daily news.[3] The Stockton *Times* noted on December 12, 1850, that it would become a daily on January first, which it did. Fire, however, ended the career of the *Times,* which was succeeded by the *San Joaquin Republican Daily*. One other paper, the Stockton *Journal,* existed simultaneously with both the Stockton *Times* and the *San Joaquin Republican Daily,* but competition for city printing contracts was keen and the *Republican* alone carried the story of Stockton newspaper art, from May 4, 1851 until December 13, 1862, when it was suppressed by the army as a secessionist organ.[4] George Kerr, the editor, informed his readers in the last edition that he was going to Sacramento where opportunities were more favorable.[5]

The successor to the *Republican* and the longest-lived of some twenty-four papers[6] was the so-called Stockton *Independent*, which began publishing in Stockton on August 1, 1861. Its Union stand was more acceptable to Stocktonians, who brought it from San Andreas where it had begun publication in 1856;[7] and its life extended until 1940, some forty-eight years beyond our arbitrarily-imposed limit.

These, then—the *Times*, the *Republican* and the *Independent*—carry the thread of the story here presented, and upon them will be strung the pictures of a society. The story begins with the simplest of means, an old Ramage handpress of the kind which Benjamin Franklin used,[8] and a newspaper printed upon lawyers' brief-paper with wood-block pictures. It ends on a double cylinder Hoe power perfecting press, printing 5,000 copies an hour on a paper web using a half-tone reproduction. The pictures record the change from horse to steam engine, from sailing sloop to power vessel, from the written word to magnetic telegraph and the telephone, from the scythe to the combine.

The *Times*, noting its difficulties in obtaining newsprint, first appeared as an 8½ x 13 inch, four-page paper. There was no art in this Wednesday and Saturday publication. The price was twelve dollars a year or twenty-five cents for a single copy. This was not an outrageous figure, inasmuch as the slightly-earlier Columbia *Star* had retailed at sixteen dollars a copy according to one account.[9]

Promising to be soon three times as large, the *Times* continued until July 6, 1850, before it attained a new stature, 12 x 17 inches, which size it maintained until its end.

By the first of the year, 1851, it was employing small wood-cuts, rarely more than four to an issue. The cuts were about a quarter of an inch square and frequently appeared as almost unreadable black spots, but they did help to relieve the printed pages. They were apparently stock cuts and used again and again. The type of the *Times* was small and difficult to read; the make-up, or design, was almost nonexistent.

The Stockton *Journal*, a June to December publication in 1852, was a four-page paper, 13 x 20 inches in size. It contained about forty small cuts in its span of life and is chiefly interesting because of its stated intent: "for circulation in the Atlantic States." The *Journal* was published the day previous to the departure of the regular semi-monthly steamer. Frank Luther Mott, quoting *Fraser's Magazine* of September

1863, noted a "curious law" that all papers went from east to west.[10]

The *San Joaquin Republican* greeted Stocktonians on May 14, 1851, as a four-page, Wednesday and Saturday publication, 12½ x 19½ inches in size. The price was twelve dollars a year or twelve and one-half cents a single copy. The only art carried in this first edition was a small running horse as a decoration for an announcement of a spring meeting. But soon a variety of stock cuts made their appearance adorning announcements of steamer sailings, livery stables, hotels, and restaurants. The first pictorial touch of fashion occurred in the form of a small bonnet on June 1, 1851.

The year 1852 found the editor plugging for Douglas, and, on January 31st, shifting the *Republican's* size from 15½ x 17½ to 17 x 22½ inches. Other changes were taking place, notably new art, including pictures of steamers, Brown's Express, a stage line, which presented a cut one and one-half by two and one-quarter inches, nearly a column in width, as well as the first big cut of plows and barrels. The next, and the largest cut to appear up to this time in Stockton papers, was the reproduction of a house, approximately two and three-quarters by three and one-half inches on December 22, 1852.[11]

It should be noted at this point that references shall be made to column, two-column, or half-column cuts. The standard contemporary newspaper column is two inches in breadth. This will be the approximate unit of measurement, although the newspapers under study varied in column width from two to two and a half inches. The average column width was slightly over two inches.

On August 25, 1852, the *Republican's* newstock reflected one of the time's usual difficulties in obtaining paper of a uniform nature by suddenly becoming very heavy. The paper had the quality of the public school's construction paper, almost a cardboard. The *Republican* continued this stock for several issues and then reverted to a lighter newsprint.[12]

During the last months of 1852 the *Republican* gained a supply of stock cuts, pistols, rifles, and bells, which appeared continuously for several years.

Related arts continued to march abreast of the times in 1853. On January 22nd an advertisement offered all varieties of artists' materials, and on April 20th Daguerre's henchmen took advantage of the press to announce that a Stocktonian could obtain a portrait of himself for a reasonable fee; for a slightly larger amount the picture would be tinted in oil.

During those years the medicine men put in their appearance. Probably no one group so dominated the pictures of the time as the purveyors of patent cures. Ayers Cough Syrup, Russia Salve, and Holloway's Pills with column cuts, two to three inches deep, punctuated the pages. On August 23rd false teeth appeared for the first time in a Millers and Farmers Store advertisement.

A month later, October 18th, occurred one of the rare instances of humor aside from verse or sarcasm, in a pictorial history. Using a collection of the small cuts, each about one-quarter inch square, the same cut was repeated several times to illustrate a variety of events or persons. Thus, a tiny house was successively the White House, the capitol at Sacramento, and the palace of the czar.

During the year 1853 the *Republican* averaged approximately ten-column inches of art in its four pages. There were six large, or column cuts, along with probably thirty small stock cuts used over and over again during the year. This comprised the visual fare of the *Republican* reader.

The make-up of the paper was characterized by a generally unrelieved, small type, difficult to read. Advertising occupied the first and fourth pages, with page 2 devoted to general California and out-of-state news. Page 3 was the editorial page. This general design, or organization, was maintained until after 1892 with occasional exceptions. The newspaper with front-page headlines and news, only, was of later origin than 1892 in Stockton.

The *Republican* became a daily paper January 1, 1854, and, three days later, raised the price to fifteen dollars a year and ten cents for the four-page, single copy. It was not until May 15th that there was any change in the pictorial make-up. This consisted of a column cut, three inches deep, advertising the Lee and Marshall Circus and Hippodrome.

The first signed engraving was a picture, two inches deep, advertising the Classical High School in San Francisco, August 18, 1854, executed by W. C. Butler. The medicine men and circuses continued to interrupt the monotonous make-up of the *Republican* with somewhat larger than standard cuts, the largest of which, for the year of 1854, also by W. C. Butler of San Francisco, appeared December 11th, advertising Woodwards House, a hotel. It was three and one-half inches deep.

The year 1855 was relieved again only by patent cures, the Lee and Marshall Circus, and a large mixing mortar calling attention to the wares of C. Langley, a local druggist.

On September 27, 1856, appeared the largest cut in Stockton to that date, a four and one-half by five inches reproduction of the Pioneer Water Cure Institute. It was engraved by Baker of San Francisco.

While steam power presses had been brought to San Francisco in the spring of 1850,[13] it was not until January 4, 1857, that the *Republican* ran the first cut and notice of the Ruggles Power Press which it employed. The magnetic telegraph, a source for California news, which had been extended from San Francisco to Sacramento, Marysville, and San Jose in 1853,[14] was acknowledged as a news source for the first time in Stockton on January 6, 1857. Thereafter a standing column-head, "By Magnetic Telegraph," appeared daily.

The *Republican,* continuing to push for job printing (a source of revenue for the newspapers of the time), had a large spread on February 4, 1857, picturing its press and praising its presses, type, and designs, which it said were all imported directly from the Atlantic states.

Other items of significance in 1857 were the appearance of advertising copy for "The Sears Pictorial Bible" on February 7th, and a notice by the L. P. Fisher Advertising Agency of San Francisco on January 24th. Circuses continued to appear and reappear in the Stockton area, but the picture fare was monotonous. Articles pictured in the standard small cuts of the time included grapes, false teeth, pianos, millinery, houses, wagons, furniture, horses, cows, table-ware, saddles, shaving equipment, stages, and ships.

The first and only extra of the *Republican's* career occurred the next year, 1858, on January 8th, following the inaugural of Gov. John B. Weller. The governor's speech appeared on one small, four-column sheet, the reverse of which was blank. There was no pictorial relief on the text side.

The firm of L. P. Fisher ran an advertisement on February 26th for the Dickinson Type Foundry of San Francisco, which represented the firm of Phelps and Dalton of Boston. A further evidence of the Atlantic states' infiltration occurred on March 28th in the spread of Rosenbaum and Van Allen Importers, which listed eastern magazines for sale or subscription. The following journals were available: *Harper's, Godeys, Graham's, Emerson's, Putnam's, The Atlantic, Leslie's Gazette of Fashion, Ballou's Magazine,* and *The London Art Journal.*

Also in 1858, the *Republican* advertised on August 3rd that printing in fancy colors was available at its office. The Peoria Steel Plow was pictured December 7th, and only a few months later, April 24, 1859, a reaping machine appeared, another evidence of the westerner's increasing mastery of the physical universe.

Of importance in 1859 was the appearance of a signed engraving, a cut of the George L. Story House, by Eastman of San Francisco. In addition to medicine and circuses, the liquor men put in an appearance, the first being John Keeler's Whiskey.

In 1860 the pictorial pace increased: other whiskey dealers, a stove, a polar refrigerator and, on November 25th, a woman at a sewing machine, which was signed Glover and Baker of San Francisco. Western life became pictorially well rounded with dancing couples, pianos, trains, stages, home appliances, restaurants, millinery, and even the traditional three balls of the pawnbroker beckoned from the printed pages.

The mounting political tension and consequent loss of advertising were reflected in the final months of the pro-Southern *Republican.* Fort Sumter was omitted in headline and extra during January of 1861. By January of 1862 the *Republican* was no longer using art, save for a very few of the small stock cuts. Very simply, the explanation was that loss of advertising meant loss of the advertising art. The only item of interest locally was an advertisement, August 12, 1862, by the James Conner Type Foundry of San Francisco. Local printers needed no longer to depend upon the Atlantic coast for type fonts.[15]

On December 13, 1862, the final edition came off the press. Observing editorially that a more favorable political climate was to be found in Sacramento the *Republican* ceased publication, leaving the burden of the press to the Stockton *Independent,* which had been publishing in Stockton since August 1861.

The *Republican* had lost an editor by pistol in a political argument,[16] likewise much of its advertising when it resisted trial by Vigilantes;[17] finally, because of its pro-Southern stand, it was suppressed by Federal troops. The course of the *Independent* by contrast was one of calm.

Pictorially the *Independent's* advent was not prepossessing. The paper averaged about twenty-one small stock cuts for the year 1861. More newsworthy was the announcement, November 2nd, that, for ten dollars, landscape painting could be taught in one day. Furthermore, this skill could be taught without looking at a landscape, for the ladies were accorded a preferred course at their homes.

The meager visual fare continued during 1862, and the only item of note was the election of officers in the local Typographical Union, September 8th. On January 20, 1863, the *Independent* said editorially that half of the newspapers must go out of business if people did not save their old rags for newsprint manufacturers; to do so became a patriotic duty. The editor had noted that because of the increase in the cost of paper all subscriptions must be paid in advance, January 10, 1863.

The big news in printing occurred April 27, 1863, with the production of the *Independent* on the "first power press in Stockton." Noting that the demands for newspapers had made the introduction absolutely necessary, the *Independent* had installed Hoe's large cylinder power press, the only one in the San Joaquin Valley, which marked a new era in printing. It was installed by Theodore Messerve, who had set up the first power press in California for the *Alta California* in San Francisco in 1850. Messerve had also installed a power press for the Sacramento *Union* in 1853. The *Independent* claimed that its facilities were the best outside of San Francisco.

Stocktonians continued to receive the same visual fare observed before, namely, small stock cuts of a variety of items and the somewhat larger trade-marks of the medicine men. The circuses disappeared, and there was little to relieve the routine of pictures in the same places in the same advertisements with the same difficult type. The longevity of some cuts, running over a period of years, is difficult to conceive of today.

The year 1865 was noteworthy though not in a pictorial fashion. The *Independent* of February 1st carried an advertisement which emphasized the close east-west association. Copies of the New York *Herald*, *Tribune*, and *Times*, all received by the last Atlantic steamer, were available at Kierski's Post Office News.

Abraham Lincoln was assassinated April 14, 1865, and the *Independent* appeared with heavy black rules on all pages on April 17th. There were no pictures of Lincoln. There was mention of an extra, now lost, April 15th. The *San Joaquin Republican* was employing magnetic telegraph in 1857. It had come to Stockton in 1853,[18] and the transcontinental telegraph service was used by the San Francisco *Evening Bulletin* October 13, 1861.[19] The *Independent's* failure to picture the president causes some wonder, especially since the San Francisco *Dramatic Chronicle* made history by using wood-cuts as illustrations for the first time on the Pacific coast on April 15th.[20]

On May 8, 1865, the *Independent* appeared in new type and a new size, 17¼ x 23 inches, with a two and three-eighths inches column-width. This date was also important journalistically and visually because, for the first time, the paper used sub-heads for its stories. The price was ten dollars a year, and ten cents for a single copy.

More pictures began to appear in the late 1860's. The small cuts were used in varying numbers from thirty to fifty. On February 1, 1866, there were thirty-four advertising illustrations, and on January 31, 1867, the *Independent* employed fifty, which tended to be the upper extreme of art contents for the period.

On March 30, 1868, the *Independent*, retaining the same size, employed eight columns, two inches wide. The only extra (excepting the lost Lincoln-assassination edition), during this history of the paper, also occurred in 1868: on August 20th, a single page, with a head and printed on both sides, gave the full text of a speech by "The Honorable John W. Dwinelle" of Oakland. No engravings interrupted the discourse.

The year 1869 was marked by an increase in the use of larger advertisements and by some new twists given to old publishing devices. It was not uncommon for merchants to purchase space and insert only their names. Hastings, a clothing merchant, on April 7th, purchased ten-column inches of space, in which he inserted only his name and a note to the effect that he had no time to write copy. The extra space in the column was blank. The June 8th edition, under Florence Medicinal Cure, noted the increase of a vice founded by the Indians and developed by the white man: among other things, Florence cured the appetite for tobacco.

During the next few years the changes in the make-up of the *Independent* were scarcely perceptible. Machinery and farm equipment occupied more space, along with medicine men and insurance dealers; and, for the *Independent*, there was a considerable increase in space devoted to men's wear. The Stockton *Daily Gazette*, a contemporary during the year 1869, was not a pictorial rival of the *Independent;* for visual fare it reverted to the complete use of the small, quarter-column spots of the 1850's. Later rivals were ahead of the *Independent* visually but were given short shrift by Stockton readers.

Editorial comment in the 1870's included mention, on February 1st, of the Atlantic cable, making possible world-wide news collection; and on August 2nd a paragraph stated that the Stockton typographical workers had advised San Francisco printers to continue their strike for a pay raise from sixty to seventy-five cents per one thousand ems (an em pica—approximately one-sixteenth of an inch). The same month brought the first appearance of a notable trade-mark, Sapolio. The cleanser, along with the Puritan implications of cleanliness and godliness, had reached the far west.

Continuing the pace for material comforts, the first advertisement of a water heater appeared December 8, 1871; and *Harper's Magazine,* bearing the cultural torch, bought space June 25, 1872, to be followed by the *British Quarterly Review,* November 15, 1873.

While visual humor, the comic drawing, appeared at a later date in the newspaper, a unique attempt in the vein of the *Republican's* picture history of 1853 occurred in the *Independent* of April 19, 1873, when a merchant, announcing the arrival of new merchandise aboard an Atlantic steamer, created an elaborate pictorial pun upon, "Oh, I see a cargo."

As the decade of the 1870's drew to a close, an increase in the variety of advertisements was noticeable. More pictures were employed, ranging from twenty to forty cuts in various issues. Mechanical aids such as harrows, plows, buggies, steamboats, and stoves, occupied more space. Electricity was mentioned March 17, 1877, and by August 12, 1877, Nicoll, The Tailor, advertised that in his shop the electric light made it possible to see as "clearly as noon at night."

In advertising copy there was a tendency to employ more white space, to use a large type for the sake of variety (which had been noticeable by its absence), to use visual puns, and to print upside down, an unusual example of which occurred October 2, 1878, when the entire front page of advertising was reversed under the banner.

The final twelve years of the period under consideration, 1880 to 1892, was characterized by an increasing velocity of change. Pictorially, mechanically, socially, the *Independent* reflected the changes in the Stockton community.

Pictorially, the *Independent* used a greater variety of cuts of larger size. The number per issue was smaller, rarely more than fifteen or fewer than ten. Technically, the 1870's and early 1880's marked the golden age of the wood-engraving, but other processes appeared, especially photographic line-engraving, chalk blocks, mechanical processes for tone, such as Ben-Day, and mechanically-produced lithographs. The reproductions were made in a variety of places, though cuts were not regularly identified. Boston,[21] Illinois,[22] Cincinnati, Chicago,[23] Philadelphia,[24] Buffalo,[25] and San Francisco[26] were identified as sources of the original drawings.

Dominating the pages of the *Independent,* a host of personalities appeared during the mid-1880's before the eyes of the daily reader.

They included Robert E. Odlum, who achieved his fame and end in the act of leaping from the Brooklyn Bridge,[27] Joseph Pulitzer,[28] Lady Randolph Churchill,[29] also generals, prelates, merchants, and princes. Geronimo was the only individual who was distinguished by appearing twice over the span of years.[30] The great and near-great, who appeared during the years 1885 to 1887, disappeared almost as abruptly as they had appeared. Only occasional portraits were in evidence after 1887.

The *Independent* offered no clues regarding the origin of this portrait service, but a rival paper during 1880 to 1892, the Stockton *Evening Mail* gave credit lines to pictures and jokes, including *Die Fliegende Blätter, Inter Ocean,* the Chicago *Times,* the Brooklyn *Eagle,* and the Boston *Budget,*[31] as well as two-line drawings by Grebayedoff from *Harper's Weekly* and *Texas Siftings.*[32]

The *Evening Mail* also used photographic processes before the *Independent,* crediting "The Mail's camera" for pictures which were drawn and reproduced as line-engravings.[33] Line-engraved cartoons, signed by Detreville and Sparks, Stockton cartoonists, appeared March 20, 1892. Other cartoons, not comic advertising-art, portrayed a before and after scene of a local earthquake, April 19, 1892; and on July 13th, a mark of progress, "The street car mule side-tracked by the electric."

Other changes were reflected in the *Independent.* The paper changed its size three times during these years, and oscillated between eight and nine columns. On December 25, 1886, the *Independent* ran six pages for the first time and carried only news on the front page. This make-up occurred only infrequently afterward. During the last years of the period, size varied between six and eight pages, a comment upon the increased growth and importance of the *Independent.*

Still other evidences of mechanical change appeared in the paper's pages. December 29, 1883, the *Independent* advertised that it was the only printing office in the state, excepting San Francisco and Sacramento, where stereotyping in all of its branches was done in a skillful manner. The notice continued, "Cuts of all kinds duplicated, as well as all varieties of jobs, including pamphlets. By stereotyping, the customer can have a proof of the job within five minutes after ordering." The *Independent* also noted that all of its presses were steam operated.

Earlier, in 1881, Leroy Atwood, a Stockton job-printer, had advertised on February 22nd, that his shop had a quantity of stock cuts and was well equipped for artistic job-printing. Atwood was buying space in a paper which claimed it was second "to no paper in the interior and, with the exception of the San Francisco and Sacramento dailies, has a larger circulation than any other paper in the State of California." August 3rd, that same year, it claimed "the third largest circulation in the state."

The *Independent* might excusably have been self-conscious. September 11, 1887, it observed editorially that there were twelve thousand newspapers in the United States producing three billion copies yearly or two newspapers for every man, woman, and child in the world.[34]

The demand for newspapers in Stockton continued, and on May 24, 1891, the *Independent* purchased a double cylinder Hoe, "The Hummer," capable of producing 5,000 papers an hour. "The Hummer," which required a notable sixty pounds of steam to operate, had been manufactured for the Oakland *Enquirer*, but that paper had outgrown the press' capacity between its order and delivery date.

To round out the story of the Stockton papers, items were selected which represented various aspects of the local scene. In addition to the portraits and machinery which occupied pictorial space, it should be noted that the *Independent* appealed to haberdashers rather than to dealers in ladies' wear. While there were occasional advertisements for female apparel such as The Hercules Corset[35] and millinery, the clothing blurbs were predominently directed towards male taste. The *Evening Mail*, by contrast, used many cuts showing women's clothes.

On June 4, 1880, the *Independent* included an advertisement under the title, "What is it?"—which a reading of the copy and a careful examination of the picture proved to be a new soda fountain.

The McCormick Binder, as a trade-name on a machine, appeared May 23, 1881, followed by artificial limbs on July 19th, for which the claim was made that they were the cheapest outside of San Francisco. In September of the same year, an offer of succor was made by a Hypnotic-Magnetic Healer, thus swelling the list of medical items.

In 1882 the cuts included a star of The Emerson Minstrels, a horse liniment, a hay-stacking derrick, Royal Baking Powder, gang plows, barbed wire, as well as an Egyptian Elixir, which, among other things, would cure venereal disease.

The first illustration, with a story, occurred April 2, 1883. This was not a news story but a feature story of the forthcoming construction of a Masonic Temple. Thereafter followed a series of stories with pictures, already noted in the *Evening Mail* but which the *Independent*, apparently from policy, did not credit as to source.

The wheels of progress turned and Pet Cigarettes were advertised June 14, 1884, although it was not until September 12, 1886, that sex and whiskey were associated by Tennessee Rye which employed a girl to brighten the advertisement. Meanwhile, Grover Cleveland was "seated," and the *Independent* moved into the era of spinal-support corsets, revolving bookcases and short-pants suits. Ex-President Grant died July 23, 1885; the next morning, the paper appeared with black rules about a portrait of the hero. A full page was devoted to Grant's story.

The increasing urbanization of Stockton in 1885 could be seen in the advertisements of "electro lamps," coal oil lamps, and roller skates.[36] Artists' materials were advertised on December 15th of that year, amid portraits of Alexei N. Kuropatkin and William Bramwell Booth, King Louis II, Count Von Moltke, and others. The flickerings of a circulation war were seen as the *Independent* advertised a Singer Sewing Machine for twenty-two dollars, including one year's subscription to the paper.[37] The *Independent* added, pointedly, that it could be found on file in all the principal San Francisco hotels.[38]

Gang plows and buggies rounded out the year 1886; and, early in 1887, the *Independent* devoted a full-page spread to the Louisiana Lottery which was printed upside down. On March 10, 1887, a "combined harvester" was visualized for readers, the Stockton harbor dredger, "Ajax," on March 27th. A year later (March 8, 1888), in the visualized company of Kaiser Wilhelm, a Thomas Nast "blurb," drawn by Thomas Nast, the cartoonist, advertised his own presence in Stockton for one night only.[39]

The year 1889 brought a host of men's and boys' fashion notices in cartoon form, some of them bearing evidence of local production—unsigned, but like those in the *Evening Mail.* Of special note, however, was The Empress Victoria Corset of March 8th, which item, at that point in history, one might have suspected the Queen never mentioned. Along with the fashion note was a comforting one about a gasoline stove on March 19th. Little Lord Fauntleroy suits, for the young gentleman, appeared April 17, 1889, followed shortly thereafter, probably with no irony intended but open for business on July 4th, by an illustration of the new county jail.

It should be noted that during this same year, in issues which saw railroad advertisements for special excursions, stage lines were still advertising their services to the remote villages of the interior.

The editor of the *Independent* lost his temper with the San Francisco *Examiner* on January 30, 1890. The *Examiner* had employed its artists to illustrate the story of a flood in Stockton. The Stockton editor observed acidly that, in the first place, there had been no flood. From that point, he progressed to other, unkind, comments about the quality of San Francisco journalism.

The first pictured telephone occurred June 14, 1890, in a catarrh-remedy advertisement, preceding by three days an account, with illustration, of Henry Morton Stanley "in darkest Africa." (His book of that name made its appearance in 1890.)

The visual pace grew rapidly, 1890 to 1891, with changes in newspaper size prior to the advent of the new press. Clothing, including kilt-suited little gentlemen, hay rakes, combined harvesters, windmills, harrows, and The Hercules Gas Engine, along with a variety of other items, indicated the complexity of subject matter.[40]

The clothing vendors tended to dominate the pictorial fare; and it was among those, in a price war, that evidences of local line-engravers first appeared in April 1892. While Detreville and Sparks did the work for the *Evening Mail*, Confer created cartoons for the clothier, Goldberg, in the *Independent*. This same M. Goldberg, "The Napoleon of The Clothing Business," was the one pictured in a half-tone engraving on July 31, 1892—the engraving which marked the arrival of modern reproductive processes in Stockton and which, as was said above, marks the end of the present study.

While Stockton newspapers during the years 1850 to 1892 threw light upon the culture and history of the period, they had been singularly non-committal regarding the development of newspaper art. They commented upon the introduction and use of power presses, and the last years of the *Independent* found that paper using a most-recent model Hoe rotary press. There was some early evidence that Stockton typographical unions were well organized and politically powerful. The papers offered further evidence that artists' supplies and photographic equipment were available at an early date, materials which were necessary for the development of a newspaper art.

In terms of the engravings, or newspaper art, occasional cuts gave evidence of their origin, usually from eastern points although an equal number of engravings were identifiable as originating in San Francisco. Later in the period, in the *Independent* and the *Evening Mail*, the work of local artist-engravers was evident, producing what was known as line engravings, technically the first step preceding a half-tone engraving.

NOTES

1. Stockton *Record,* April 7, 1952.

2. Stockton *Times,* July 7, 1850.

3. Charles Holmes and Isom Shepard, *History of San Francisco Journalism* (San Francisco: Works Progress Admin., 1940), IV, 149.

4. George S. Tinkham, *History of San Joaquin County* (Los Angeles, 1923), p. 199.

5. *San Joaquin Republican,* Dec. 13, 1862.

6. Stockton *Record,* April 12, 1952.

7. *Idem.*

8. *Ibid.*, April 11, 1952.

9. *Ibid.*, April 7, 1952.

10. Frank Luther Mott, *A History of American Magazines* (Cambridge, Mass., 1930-38), III, 118. See also his *American Journalism: a history of newspapers in the United States,* 1690-1950 (New York, 1950).

The numerous instances of east-west literary affiliation are recorded in Hugh S. C. Baker's "The Book Trade in California, 1849-1859," *Calif. Hist. Soc. Quarterly,* XXX (June, Sept., Dec. 1951), *passim.*

11. *San Joaquin Republican,* Dec. 13, 1862.

12. *Ibid.*, July 3, 1852.

13. As in note 3 above.

14. *Idem.*

15. *Ibid.*, p. 63, where it is stated that the William Faulkner Foundry Co. began operations in Jan. 1867.

16. *San Joaquin Republican,* June 24, 1854.

17. *Ibid.*, May 14, 1856.

18. The Stockton *Record,* April 8, 1952.

19. Note 3 above, p. 152.

20. *Loc. cit.*

21. Stockton *Independent,* Dec. 5, 1879.

22. *Ibid.*, April 2, 1881.

23. *Ibid.*, April 18, 1886.

24. *Ibid.*, Feb. 13, 1887.

25. *Ibid.*, Sept. 18, 1887.

26. *Ibid.*, Dec. 20, 1887.

27. *Ibid.*, June 5, 1885.

28. *Ibid.*, June 7, 1885.

29. *Ibid.*, July 29, 1885.

30. *Ibid.*, Sept. 18, 1885; March 31, 1886.

31. Stockton *Evening Mail,* March 27, 1885.

32. *Ibid.*, March 28, 1885.

33. *Ibid.*, March 15, 1892.

34. This editorial, reprinted from the Baltimore *American,* was given an unusual (for those times) front-page position. *Harper's Book of Facts* (New York, 1895, p. 559), reported for 1880: 980 daily newspapers; 8718 weekly newspapers; and 1075 other newspapers and periodicals. The circulation of the dailies was 3,637,424; of the weeklies, 19,459,107. The total number printed in 1880 was stated to be 2,077,659,675.

35. Stockton *Independent,* Jan. 13, 1880.

36. *Ibid.*, Oct. 10 and 22, and Dec. 12, 1885.

37. *Ibid.*, April 16, 1886.

38. *Ibid.*, April 18, 1886.

39. For the lucrative results of Nast's tours, see William Murrell, *A History of American Graphic Humor* (New York, 1938), II, 39.

40. Stockton *Independent,* Sept. 20, 1891.

The Chinese Stereotype in American Melodrama

By Stuart W. Hyde

From the literal meaning of the word "melodrama"—music *plus* action—the audience at such a performance would expect to be served with both forms of entertainment. The ancient words "comedy" and "tragedy" likewise have their roots in music: revelry (komos) *plus* song, for the first; and goat (tragos) *plus* song, for the second. In fact, tragedy began as a rustic song in honor of Bacchus during the sacrifice of a goat, a quadruped hated by the god because its bite was particularly harmful to grapevines.[1] By the time the plays with which the present paper is concerned were written, the sacrificial goat of Bacchus' day may be said to have been metamorphosed into an individual of another breed—a biped—with many of the original animal's traits, but without its tragic bite, and music only incidental. To, as we say today, "play the goat," the mid-19th-century dramatists selected a Chinese, or "Chinaman," his chief qualification being his ridiculous-looking (so they thought) appearance: half-shaven head, long braided queue, oblique eyes, and blue cotton pants.[2] Provoking laughter among the spectators by an actor's bizarre appearance was an old device. The 4th-century B. C. Greek dramatist Aristophanes used it in his play *The Birds*, and he heightened the effect by making one of his characters exclaim: "O Hercules, what a creature!" when he saw another member of the cast's tremendous beak and crest.[3]

Actually how unique was the mid-19th-century California Chinese in his ridiculousness? A writer in *Putnam's Monthly* for April 1857 describes the reaction when a London chimney-sweeper came suddenly upon a Chinaman. Both were said to have "rolled on the ground in twisting convulsions of laughter . . .; each saw in the other, seven wonders of the funny."[4] In the mines and on a San Francisco street during the gold rush, hardly a single race or color was unrepresented, and "twisting convulsions of laughter" could have occurred any hour, if the crowd had taken time to indulge in it. But to contemporary writers the Chinese stood out from the rest as infallible comic material. On the middle-western frontier, North American Indians were featured in plays; however, it was not the flesh-and-blood specimens that interested the audience so much as the romantic, touched-up Red Man.[5] In plays on far-western subjects in vogue later, a touched-up quality was also evident in the way the Chinese were represented; in this case the retouching was a far cry from the romantic, but was grotesque in the extreme.

While it is true that the word for the kind of drama in which the Chinese comic appeared was built up on ancient Greek roots, the word "melodrama" itself is not ancient. Dr. Samuel Johnson's *Dictionary of the English Language*, published in London in 1756, does not include it, although comedy has its place as "a dramatick representation of the lighter faults of mankind." Considerably later, viz., during the first thirty years of the 19th century, melodrama, by now more or less exaggerated in sentiment and situation, had come into its own, and was enjoying a marked popularity "on the second class (or boulevard) theatres of Paris,"[6] its active exponent being R. C. G. de Pixérécourt. To the accompaniment of music when it appeared to be appropriate to the situation and the characters, his plays featured a villain, a hero, a "persecuted innocent," and a clown, or, as in French, a niais;[7] and as a niais signifies a nestling, the person so labeled would be expected to act in an unsophisticated fashion—in other words, like a ninny. As mentioned above, into this role the dramatists writing for the mid-19th-century and later New York stage fitted the California Chinese. To the Oriental himself there was nothing new in the appearance of a fellow countryman as a comic on the stage. For a matter of centuries he and his gags had been customary theatrical fare in China. It is related that at a performance in 1031 A. D., in honor of a 45th-degree descendant of Confucius, the guest's own sacred ancestor "was introduced as the low comedy man"—to the disgust, in this case, of the guest and the embarrassment of his hosts.[8]

The success of melodrama in Paris during the first half of the 19th century was easily transferred to America when, with the discovery of gold in California in 1848, life-drawn melodramatic situations could be counted upon to develop anytime. The theme so impressed the French dramatist, Alexandre Dumas fils, that he wrote a brochure on the subject as a lottery advertisement.[9] On the stage itself, plays of the gold rush achieved a popularity for western backgrounds (including "John Chinaman") that did not flag until about the time of the First World War. And knowing, as Californians do, the resourcefulness exhibited at times by Orientals on the American west coast, we are not surprised when the Chinese comic steps out of the "ninny" role and makes a real contribution to the action. This happens in Alonzo Delano's ("Old Block's") *A Live Woman in the Mines; or, Pike County Ahead,*[10] across the top of the title-page of which is printed: "THE MINORDRAMA Acting Edition." Though mentioned in the dramatis personae merely as "Chinaman," along with express rider, watchman, postmaster, miners—"such as were daily seen in 1850, as well as at the present day [1857]"—he has a speaking part, warning the principals, "Indian come! me bang! bang! bullet! pop me! two, tree [three], five hundred!" After the others have rushed out with an "Huzzah," the so-called local color philosophizes thus: "Chinaman no fight; Chinaman skin good skin; keep him so. Mellican* man big devil—no hurty bullet him." Delano's play, as the reader may have noticed, preceded by some thirteen years the publication of Bret Harte's poem, "Plain Language from Truthful James,"[11] although the latter is customarily credited with having introduced the Chinese comic into American literature.

At the American Theater, San Francisco, on July first of the next year (1858) was produced Joseph Nunes' *Fast Folks; or, The Early Days of California,* in which the Oriental member of the cast is given an actual name, Gee Ho. Here again the comic contributes to the plot: he takes the stand in a court room and identifies the man whom he had seen "salt the claim"—though his testimony is challenged on the ground that he "aint a witness yet; and can't be, in this little State! . . . He comes from China; that's enough. . . ." *Fast Folks* was published in Philadelphia in 1861, and from that edition we learn that it was played "and successfully" in Philadelphia (opening Jan. 20, 1859) as well as in San Francisco, the cast for each season being given in the opening pages of the book. "Mr. Lovett" played the part of Gee Ho in San Francisco; "Mr. Saphore," in Philadelphia. This competition among actors for the part of a definite Chinese comic, who is listed in the dramatis personae under a name of his own, marks the launching of the role as a stereotype—that is, an individual with fixed traits of character and appearance, such as can be counted upon to amuse—and accounts for the title of this paper. However, during the next decade, which saw the Civil War and the nation's attention focused on men of another color, the Chinese comic, so far as I have been able to discover, was absent from the stage. Then, in 1870, came Bret Harte's poem "Plain Language . . . ," referred to earlier, that featured the so-called Heathen Chinee and won instant popularity. Within only a few months, the Chinese comic was returned to the medium in which Delano and Nunes had originally placed him. It now remains for us to list his appearances, enlarging only on those plays that give him more of a part.

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*Frequently transliterated "Melican."

At the time of its opening on November 28th of the year Harte's poem was published (1870), James J. McCloskey's *Across the Continent; or, Scenes from New York Life and the Pacific R. R.* was said to be one of the "big melodramatic hits of the year,"[12] with Oliver Doud Byron as The Ferret and a so-called "great telegraph scene."[13] Byron is reported to have added, later, a Chinese comic in the person of Very Tart—who is also very funny when Byron takes the end of his queue (cue, here) and says to some ladies, "Watch me telephone to China: Hello, Tart!" Tart: "Hello!" Byron turns away, laughing; Tart says: "Now me talkee," and shouts into his queue, "Hello—hello—hello." then jerks it, disgusted. Act IV, where this scene takes place, shows the exterior of a railway station on the Union Pacific, including rails and telegraph lines. When Indians come, Very Tart says, "Melican man like fightee. Chinaman like sleepee in box." Whereat he gets into one. [Another way, perhaps, of fighting a "cold war."]

Augustin Daly's *Horizon* opened in New York on March 21, 1871; it was labeled "An original drama of contemporaneous society and of American frontier perils . . . ," with some of its characters patterned after Bret Harte's. The part of "The Heathen Chinee, who does not understand" served chiefly to relieve the tension created by another individual whose aliases include "White Panther—One of the reasons for the establishment of 'Vigilance Committees' in the peaceful hamlets of the Plains." The Chinese, addressed as "John," is used for locale purposes—a house-boy in a New York mansion in Act I; and in Act IV as wordless companion to a character labeled simply "A Fifteenth Amendment," the scene here being laid inside "a primitive fort in the prairie. All around it is the horizon." The play was said to have had "a fair degree of success though nothing like the acclaim its intrinsic merits warranted."[14]

On May 27th of the following year (1872), *California; or, The*

Heathen Chinee opened at the Bowery Theater, a notice in the New York *Herald* of that date describing it as "The Grand California Equestrian Drama, in three acts, written expressly for this theatre by J. H. Warwick. . . . This magnificent spectacular drama has been produced at enormous cost. . . . First appearance of Mr. O. B. Collins and his famed Trained Steed, San Juan. . . . Mr. C. Warwick especially engaged for the great character part of Ah Sin. . . ." The next edition of the *Herald* (May 28th) said that it had been produced "to a full house, and was heartily received"; while on the 29th, further space was given to the play at the Bowery Theater ("favorite haunt of the melodrama") as being "full of stirring incidents and powerful situations, depicting California life." Second in the list of principal parts—which included a gambler, "a genuine Irishman," a lady outcast . . .—as printed in the *Herald*, was "Mr. C. Warwick (Ah Sin, a Chinaman, who can't play poker). . . . The whole performance appeared to give great delight to the large audience which witnessed it."

By 1876, Bret Harte was again before the public, this time with a play, *Two Men of Sandy Bar* (or just *Sandy Bar)*, which opened on August 28th of that year. C. T. Parsloe, Jr., was Hop Sing, Chinese laundryman, whose dress the author describes as that of a "Chinese coolie: dark-blue blouse, and dark-blue drawers gathered at ankles; straw conical hat, and wooden sabots." The plays called for "incidental singing in the fog" as part of the melodrama. And melodrama it is, with an Australian convict, and his "pals" Soapy and Silky. Hop Sing is addressed as "Good John" by persons wanting to use him in some way, as when he is called upon to identify a third party. This he does by revealing the hand-written mark on said party's laundry: ". . . Always litee, litee on shirt allee time." The arrangement was very unsatisfactory to Hop Sing from a pecuniary standpoint: "Me washee shirt . . . he no pay washee. He say, 'Go to hellee!' . . . Allee time Melican man say 'Chalkee up, John.' 'No smallee change, John'—umph. Plenty foolee me!" His testimony proves to be "plenty," as, after it, the "record" against the man in question is said to be complete.

In 1876, also, came Nathan Appleton's *Centennial Movement*, in which he introduces Ching Ho, a Chinese washman, for comic relief, but Ching appears only once, among representatives of other nationalities.[15]

The year 1877 saw two western-type plays and a variety skit in production, each of them featuring Chinese characters. The first, a joint effort of Mark Twain and Bret Harte, opened in Washington, D. C., on May seventh; and though named *Ah Sin* after the hero, a Chinese laundryman, and intended as an acting vehicle for Charles T. Parsloe, Jr., then considered "the great impersonator of Chinese character," it failed of success both in Washington and afterwards when Augustin Daly put it on at the Fifth Avenue Theater, New York.[16] It failed so completely that no copy seems to be extant, the chief visible relic of the whole episode being the quite-evident cooling of the two authors' once-close friendship.[17]

The second play produced in 1877, to be mentioned here, was Joaquin Miller's *The Danites; or, The Heart of the Sierras,* which opened in New York in August. Featured was a Chinese laundryman, Washee-Washee—"A Helpless little Heathen," according to the dramatis personae. However, he manages to stuff his blouse with clothes, and to partake of on-the-side "blandee" [brandy] which, he says, "makee Chinaman feel allee samee likee flightin clock [fighting cock]." When the miners search him for their shirts, and find on him a "hull cargo" of same, the judge says: "You can't go on breakin' the seventh commandment like that, in this glorious climate of California, I can tell you." He pulls Washee-Washee around with his queue. Whereat Washee draws a pistol. This causes the parson to say: "A Chinaman draws a pistol on a white man in California! Bring that rope." But a widow, missionary to the mines, enters and throws off the rope, just in time. The play was frontier-life melodrama in earnest, and its success gave this type of entertainment a boost which it seemed hardly to need, however, in spite of the Twain-Harte failure. An extra western touch was given *The Danites* by Miller's choice of title, based on the *Bible* (Genesis, XLIX: 17), where Jacob, about to die, prophesies respecting each of his twelve sons, ". . . Dan shall be a serpent by the way, an adder in the path, that biteth the horse heels, so that his rider shall fall backward." A note at the end of the play informs the reader that the Danites were members of a secret society, founded in 1836 for the alleged purpose of combatting the enemies of the Mormon Church, though the Mormons generally deny its existence.

The third theatrical piece according to date during 1877, was Clay M. Greene's *The Chinese Question* (labeled a sketch as well as a variety skit) and produced in October of that year, with J. C. Williamson as a Chinese butcher and "his pretty wife, Maggie Moore . . ." as a domestic. They are said to have "struck oil" with it; and with it, also, the Grand

Opera House, which staged the skit after it left Broadway, is said to have "got into its stride as purveyor of first-class attractions. . . ."[18]

As might be expected, several Chinese were included in the cast of *The Chinese Must Go, a Farce in four acts* by Henry Grimm, which was published by A. L. Bancroft & Co. of San Francisco in 1879. The plot hinged on the selling of mock wives to their Chinese countrymen. One scene (Act IV, sc. 2) shows a Chinese washhouse, the rear of which is a temple with idols representing Fire, Water, Air, and Earth, and with worshipers prostrated before them; a mandarin stands in their midst. It will be remembered that the agitation against Chinese immigration was in full swing in San Francisco during the late 1870's;[19] hence, the aptness of the title of the play.

Also a product of 1879 was Bartley Campbell's *My Partner,* which occupied the stage at the Union Square Theater in New York from September 16 to October 18, and was commended for its poetic quality by some of the press.[20] Prominent in the cast were a carpetbagging politician and Wing Lee, a heathen Chinee, with the often-mentioned Charles T. Parsloe, Jr., in the part as first presented. Wing's lines furnish good entertainment. "Me sleepee anywhere," he says in the third act. "Up the tree, down the shaftee, top side clothesline [strikes his breast]. Me toughee! Me toughee! All samee like Melican man. . . ." When one of the characters says, "I'd like to pull that pigtail out of you," Wing coils it up and holds it tightly. "Me no can spare pigee tailee. Chinaman's joss, no like pullee pig tailee." Wing's participation in the plot also furnishes comedy – by the now-hackneyed device of identifying culprits by laundry marks, in this case a cuff held as evidence in court is found to match the shirt Wing discovered down a mine shaft. "You got 'em cuffee, me got 'em shirtee."

Late in the fall of the next year (1880) came T. W. Hanshew's *The Forty-Niners, A Drama of the Gold Mines,* said to be "a picture of one phase of a memorable epoch in the development of the country, and of the kind of entertainment most favored by the actors in this particular field of the great national drama of pioneer life."[21] The time-interval covers four years, from June 5, 1853 to June 5, 1857; and the different scenes aim to be authentic with a "Sunlight Cañon . . . a cabin on the Peaks . . . Dead Man's Gulch in the heart of the Sierras . . . The Silver Sand Ravine." Further local color is given by an opening chorus singing ". . . to the west, to the west"; while sensation à la melodrama may be found in a "murder in the snow," in the fourth act. The Chinese stereotype is Wun Lung, the Heathen Chinee – called by a thwarted fellow-member of the cast, "an almond-eyed heathen," when Wun Lung makes off with the whiskey. Its whereabouts are announced in true "western" fashion: ". . . jumpin' bullfrogs and bootjacks, look thar!" pointing at Wun Lung, who is discovered sitting at a window – very drunk and with an old plug hat on his head. The *Forty-Niners*' sociological interest was said by some critics to outweigh its dramatic or literary interest;[22] but the casual reader, bent on amusement, will find it in the byplay between Irish brogue and Wun Lung's pidgin English.

Thereafter, in succession, were produced: *Nevada; or, The Lost Mine* (1882) by George M. Baker, *Crawford's Claim* (1887) by Cowley and Bennette, *A Gentleman from Idaho* (1889) by Walter H. Baker, *The Golden Gulch* (1893) by Charles Townsend, *Little Miss Nobody* (1897) by Frank Dumont, *Arizona* (1899) by Augustus Thomas, *The Scout of the Philippines* (1899) by Frank Dumont, *The Squaw Man* (1905) by E. Milton Royle,[23] *The Stubborn Motor Car* (1909) by Anthony E. Wills, and *A Man from Denver* (1913) by Frank Bernard.

These plays, plus a small number of relatively unimportant "Chinatown" plays, represent a known body of American dramas which made use of the Chinese stereotype;[24] and there may have been other plays that featured him which either did not survive or which I failed to find. His role varied in importance; but whether he furthered the plot by turning up clues, etc., as pointed out above, or merely provided local color, he got a laugh from the spectators and warmed their hearts. Part of his fun-making equipment, and second only to his odd appearance, was of course his pidgin English, familiar, and of decided value in business transactions in the Far East ("pidgin" being Chinese corruption for the word "business" itself), and commonly resorted to elsewhere. Regardless of the period in which a play was written or the section of the country in which the author lived, dramatists agreed as to the Chinese stereotype's stage possibilities in these matters. So consistent were they in exploiting them that a writer in the New York *Times* of August 23, 1877, reviewing Joaquin Miller's *The Danites* . . ., complained: "Mr. Pratt portraying Washee Washee, is the fourth Chinaman now before the public, and, we sincerely hope, the last." How premature that hope was, the plays enumerated here seem to indicate.

In common with the villains, the comic characters were shown to possess vices. Unlike the villains' vices, however, the weaknesses indulged in by the Chinese stereotype were never allowed by the dramatists to be other than comic. He manifested them not because he was Chinese, but because, in common with stage Irishmen, Germans, Jews, Italians, and Negroes, he was a comic, and in nineteenth century melodrama the mere possession of such vices was considered extremely humorous.[25]

Following the turn of the century, the popularity of the so-called "new drama" of Ibsen, Strindberg, Shaw, and Hauptmann, lessened the demand for the Chinese funny man, and by the time of the entry of the United States into World War I, he had just about disappeared from American melodrama.

NOTES

1. The *Tragedies of Aeschylus*, transl. by R. Potter (London, 1809), pp. vii-viii. See also *Representative English Comedies; From the Beginnings to Shakespeare*, ed. by Charles Mills Gayley with historical essay (New York and London, 1903), pp. xxi-ii, lxiii-iv, for the origins and methods, as between tragedy and comedy, in early English plays.

2. Mark Twain, *Sketches New and Old* (Hartford, Conn., 1875), pp. 304-306; H. H. Bancroft, "Mongolianism in America," in *Essays and Miscellany* (San Francisco, 1890), p. 309; William P. Fenn, *Ah Sin and His Brethren in American Literature* (Peiping, China: College of Chinese studies cooperating with California College in China, 1933), p. 7.

3. *The Plays of Aristophanes*, transl. by J. Hooker Frere (Everyman's Library), I, 143. See also James Sully, *An Essay on Laughter* ... (London, 1902), p. 351: "The comic stage is conservative in the sense that it is ready to ridicule whatever wears the look of a bizarre novelty." Lois Rodecape, "Celestial Drama in the Golden Hills [1851-69]," *Calif. Hist. Soc. Quarterly*, June 1944, p. 99, reports that some of the "more enterprising and courageous Chinese forsook their Oriental clothes . . . ," and even affected Occidental haircuts.

4. J. Milton Machie, "The Chinaman, Domestic, Scholastic, Iconoclastic, and Imperial," *Putnam's Monthly*, IX (Apr. 1857), 338.

5. Ralph Leslie Rusk, *The Literature of the Middle Western Frontier* (New York, 1925), p. 423.

6. Alexander Lacey [*Guilbert de*] *Pixérécourt and the French Romantic Drama* (Toronto, 1928), preface, p. 2.

7. *Ibid.*, pp. 20-21.

8. Herbert A. Giles, *History of Chinese Literature* (New York, 1901), pp. 258, 261.

9. A. P. Nasatir, "Alexandre Dumas fils and the Lottery of the Golden Ingots," *Calif. Hist. Soc. Quarterly,* June 1954, pp. 125-42.

10. *A Live Woman . . .* was published in New York, c. 1857, by Samuel French; George R. Stewart, Jr., *The Drama in a Frontier Theater* (Reprinted from the *Parrott Presentation Volume* (Princeton, N. J., 1935), p. 200, says that he found no record of its presentation on the stage.

11. Harte's poem was published in the Sept. 1870 *Overland Monthly.* George Clinton Densmore Odell, *Annals of the New York Stage,* VI [1850-57] (New York, 1931), p. 586, says that on Sept. 6, 1856, Eph. Horn, of Charley White's Serenaders, acted "The Chinese Wash Man," and sang a Chinese song—showing that, though unorganized as participants in a conventional play, funny men in the Chinese manner were being tried out at that time. Fenn (note 2 above), p. 101, also cites this instance.

12. Odell, *op. cit.,* IX [1870-75] (New York, 1937), 101.

13. *Idem,* p. 30.

14. *Idem,* pp. 21-22.

15. Fenn, *op. cit.,* p. 103.

16. Albert Bigelow Paine, *Mark Twain, a Biography* (New York and London, 1912), II, 588-89.

17. *Idem,* p. 590. See also George R. Stewart, Jr., *Bret Harte, Argonaut and Exile* (Boston and New York, 1931), pp. 234, 236-37.

18. Odell, *op. cit.,* X [1875-79] (New York, 1938), 392.

19. The agitation for U. S. action in the matter resulted in the passage of anti-Chinese immigration measures in 1882, which were reaffirmed in 1892.

20. *The White Slave and Other Plays By Bartley Campbell,* ed. by Napier Wilt (Princeton, N. J., 1941), pp. xlvii-lv.

Acknowledgment is made to the Literature and Language Department (Miss Marguerite Laird, *supervisor),* Oakland Public Library, for kind assistance in locating some of the plays cited or quoted in this article.

21. *The Forty-Niners . . .* by T. W. Hanshew, in *American Drama,* ed.-in-chief Alfred Bates (London and New York . . .: Historical Publishing Co.), XX (1906), 234-76.

22. *Idem.*

23. *The Squaw Man,* in *Best Plays of 1899-1909,* ed. by Burns Mantle and Garrison P. Sherwood (New York, 1944), pp. 207-41, featured, as did McCloskey's *Across the Continent,* scenes along the Union Pacific R. R.—in this case, a saloon in a "cow town," where the walls were "generously covered with Police Gazette cut-outs," and where the Chinese comic, Punk, was "ready to serve the customers."

24. Fenn, *op. cit.,* p. 103, mentions Burnside and Morris' *Gold,* with a stage

Chinese, Ah Sin, but says it was a play of no importance; p. 104, Josh. Hart is said to have made a Chinese washerman the main character of a three-act comedy, *Ching-Wang and His Laundry;* p. 105, *Two Christmas Eves* and *Worth a Million,* in which Chinese characters are introduced "without much provocation or meaning"; also mentioned were Lloyd's *The Senator,* and Campbell's one-act farce, *A Chinese Dummy.* Fenn, p. 106, likewise mentions Clay M. Greene's one-act farce, *The Chinese Invasion* (1873).

25. See Gayley (note 1 above), pp. l-lii, for an analysis of "the Vice" in English plays, especially between 1500 and 1560; in this character were concentrated, he says, the sins, temptations and mischiefs that were "typical of the moral frailty of mankind." Gradually the Vice became farcical, ultimately a jester.

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1947

Edna Rodden Martin
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1948

Mrs. H. Spens Black
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William C. Latham
M. Hall McAllister
Ruby McCormick
F. J. Morin
Frank M. Ogden
Mrs. E. O. C. Ord
George A. Pope
Mrs. George A. Pope
Edward J. Sheppard
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Louise E. Wormley

1949

Oscar Thomas Barber
Edward Washington Bender
Lilian Hoogs Blaisdell
Hope Bliss
Philip Read Bradley
Eldridge Ayer Burbank
John R. Burns
Rumsey Campbell
Randolph Clement
Abraham Lincoln Danziger
Edward B. Field
Morton R. Gibbons, M.D.
Abraham P. Hankes
Thomas Norman Harvey
Virginia Utz Jobe
Arthur C. Kennedy
George Dunlap Lyman, M.D.
La Verne Scott Moss
Whitney Palache
Robert J. Parker
Ann May Perry
Mabel Gray Potter
William C. Sharpsteen
John Joaquin Smith
L. Deming Tilton
Harry C. Warren, M.D.
Ray Lyman Wilbur, M.D.

1950

Harvey Wetmore Beard
Katharine Esther Bennitt
George Mackey Cornwall
William M. Gilliland
Eliza Jane Gilman
Olive Martha Gould
Emelyn West Knowland
Ethel A. Krook
Abbie Hyde Lewis
James L'Hommedieu
Helen Flint Lyman
William O'Hara Martin
Haig Patigian
Barbara Peters
Minna Dohrmann Pischel
Margaret James Porter
Frederick Ortman Shumate, M.D.
J. D. Sweeney
Dixon Wecter
Betty Loren Whitsell

1951

M. Marian Atkins
Julia Stamper Berman
Edith Ward Berwyn
Clarence Leo Best
Eleanor Smith Boone
Frances Des Marais Brogan
Ella M. Brooke
Glada V. Elden
Edward Lilburn Eyre
Estelle Lyon Fay
Lowell E. Hardy
Grant James Hunt
Emma T. Kessler
Eva M. Koch

Richard Henry McCarthy
Arthur S. Maloon
Emily Oliviera
May Hawley Patterson
Mrs. Baltzer Peterson
Julia D. Sammer
Louis F. Sinsheimer
Henrietta L. Stadtmuller
Herbert F. Suhr

1952

Mrs. Marcus P. Bennett
Jessie Vaughan Harrier
Margaret N. Hart
Flodden W. Heron
Elizabeth Thacher Kent
Douglas Stuart Loud
Jean Parker McEwen
Irving Martin
George Lovett Merwin
C. O. G. Miller
John J. Newbegin
Frank H. Norcross
Thomas Wayne Norris
Thomas L. Phillips
Ruth Loring Richardson
Warren Russell
Irving M. Scott, Jr.
Willard Brown Thorp
Gordon F. Williamson
Willis A. Zane
Gonzalo Zapata

1953

Frank H. Allen
Arthur John Bancroft
Francis Edward Bishop
Herbert Eugene Bolton
Charles Philip Boone
Marie Wilson Bradley
Paul W. Brannon
Arthur H. Breed
LeRoy H. Briggs, M.D.
Katherine Thayer Cate
Bessie Hobart Chapman
Frederick Herman Coon
Florence Osterero Cullen
Lilly E. Davis
Jerry W. DeCou
Alice Eastwood
Maude Wyman Eberts
Paul Eliel
George August Fuhrig
Robert B. Gaylord
Frank Carroll Giffen
Mary Glide Goethe
Irene L. Goudey
Mabel L. Holmes
Frederick B. Kellam
George E. Kennedy
William James Laing
Winifred M. Menzies
Helen Knox Merwin
Olga M. Meyer
Katharine Hutchinson Post
J. Sheldon Potter
Laura Carmany Rulofson
Gertrude Miller Simmons
Lynn Townsend White

1954

Joseph Emmanuel Anderson
Rae Griswold Behrens
Leonard W. Buck, M.D.
William W. Carruth
Isaac Flint Chapman
Lilian A. Cross
Helen Richardson Espy
Minnie Walker Engs
Charles Francis Griffin, M.D.
Frederick Harvey
Armand Leon Hering
Emily Coey Hittell
Mary Pardow Hooper
Caroline Lendelof Johnson
Gerald Driscoll Kennedy
Charles M. MacGregor
James H. McDonough
John Ward Mailliard, Jr.
Ruth Comfort Mitchell
Ruby Muther
Martha Lamberton Osmer
William G. Paden
Paul P. Pitchlynn
Ida M. Reed
Thomas M. Robinson, Jr.
William Henry Shine
Willard O. Wayman

1955

Thomas P. Bacon
Isabelle Ball
Charlotte Wilson Cadwalader
George Toland Cameron

Ralph Perry Chessall, D.D.S.
Monroe E. Deutsch
Ernest Frank Eckhardt
Roy S. Folger
Lutie D. Goldstein
William Dunn Henley
Joseph Henry Jackson
Dudley Kinsell
Jean Howard McDuffie
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To honor the following persons, friends of the Society have made substantial monetary or other gifts:

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In Memoriam

LLOYD McCULLOUGH ROBBINS

Lloyd McCullough Robbins, member for twenty years of the California Historical Society, died at his ranch near Suisun on June 5, 1955. Mr. Robbins was born October 22, 1875, son of Reuel Drinkwater Robbins, banker of Suisun, and Saditha McCullough Robbins. He attended Hopkins Academy in Oakland, and entered the University of California in 1893, graduating in 1897 with the degree of Ph.B. During his college career he was a member of the Zeta Psi fraternity. He was admitted to the California Bar on September 8, 1898, and established himself in San Francisco to practice law. Professional work took him to Hawaii as assistant attorney general of the newly-constituted territory, 1900-1901, and to Germany in 1922 as American representative on the committee of guarantees, reparations program, after World War I.

With the coming into effect of the federal income-tax legislation, question arose as to the legislation's effect on the property of wives in California under the state's community-property law. Specifically was he interested in its bearing on the income of his father and mother, and he pursued the matter to the U. S. supreme court in the case entitled U. S. *v.* Robbins, et al, 269 U. S., 315, in which the law on the subject was settled. While preparing for the case, Mr. Robbins acquired a library of Spanish, Mexican, French, and English works on community-property laws. These he catalogued and translated, the results of his research being published, together with translations of 16th- and 17th-century commentaries, in order to give students a clearer idea of the subject. He thought highly of the opinions of Spain's jurisconsults; they seem, he says, "to have attained an authority which in the history of jurisprudence has not been surpassed by any other country."* In 1932 Mr. Robbins gave his collection of works on community property to the state library at Sacramento.

For some years he had been building up a representative collection of materials on legal subjects. This he presented to the University of California law library in Berkeley; in 1952 he increased its initial value by gifts of securities estimated at $250,000 for the establishment of a fund, in memory of his father and mother, to be expended as needed for the purchase of books in the field of religious law of whatever faith, and for materials in the related fields of medieval and civil law. His interest in religious matters was shown by his serving as chancellor of the diocese of Sacramento, Protestant Episcopal Church, and as a trustee of the Church Divinity School of the Pacific, Berkeley. Mr. Robbins held the post of lecturer and consultant in canon law at the University of California school of law in Berkeley from 1952 to 1955.

Robbins was a gentleman of a very friendly disposition and was approachable at all times. As a lawyer he was industrious and persevering, illustrated by his

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*Lloyd M. Robbins ... and Bernardine M. Murphy, *Laws of Community Property* ... (Lausanne, Switzerland, 1929), p. 7.

taking the case of U. S. *v.* Robbins, referred to above, to the U. S. supreme court for determination. Honors came to him in 1940 when the California College in China conferred on him the degree of D.C.L. (doctor of canon law). He held membership in the Pacific-Union Club of San Francisco and in several Masonic organizations.

Surviving Mr. Robbins are his wife, Beatrice Clayton Robbins; two sisters, Mrs. Mary Emma Sutton of San Francisco, and Mrs. Marie Hilbert of New York City; and a brother, William C. Robbins, Sr., of Suisun. Two other brothers—Reuel Drinkwater Robbins and Irving Whitmore Robbins—died before the time of his own death.

ALLEN L. CHICKERING

EDWIN LETTS OLIVER

In 1936, when John Howell published his *California in the Fifties*, he dedicated it "... to Edwin Letts Oliver, Californian, whose understanding devotion to an ideal has lightened the labor of his fellow man."

Edwin Oliver was born in San Francisco on November 9, 1878, son of William Letts and Carrie Benedict (Brown) Oliver; he died at his summer home at Lake Tahoe, August the twenty-eighth of this year, shortly before what would have been his golden wedding anniversary. On September 23, 1905 (five years after his graduation from the University of California's school of mines), he had married Minnie Walker of Grass Valley. To them were born four children: William Letts, Roberta (Mrs. Frederick Greenlee), Mary (Mrs. Adrian Shannon), and Edwin Letts, junior.

As he himself says, Edwin Oliver began his career in 1907, as a "one-man operation in the mining industry in California."* By 1936, the work he had accomplished in this field prompted Mr. Howell to honor him as he did, *California in the Fifties* being a collection of views of western mining towns, etc., from early lithographs. But with the passing years the "one-man operation" became expanded to such an extent that not only were the types of filters in demand by cane-sugar and paper-pulp manufacturers being supplied by his company, but also those required by virtually all the process-industries the world over, including drug manufacturers, whose work in extracting remedies such as streptomycin from earth molds called for his special filter-equipment.† At this point in Edwin

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*"40 Years of Filtration," *Annual Report of the President*, Oliver United Filters Inc. (now Dorr-Oliver Inc.), 1947.

Oliver's career, recognition came to him from his alma mater, which in 1945 awarded him the honorary degree of LL.D.; and in February of the present year he was the recipient of the Douglas medal for distinguished achievement in the field of non-ferrous metallurgy.

Mr. Oliver was a member of the American Institute of Mining and Metallurgical Engineers, the Mining and Metallurgical Society of America, the Sigma Xi and Delta Upsilon fraternities, and the Bohemian and Pacific-Union clubs of San Francisco. He had been a sustaining member of the California Historical Society since 1944.

In addition to his immediate family, he is survived by two sisters, Mrs. George Lunn and Mrs. Ralph Madison Jones, and by two brothers, Roland and William Harold Oliver. A third brother, Albert Leslie Oliver, died in 1947.

EDNA MARTIN PARRATT

†*Ibid.*, 1945.

GEORGE T. CAMERON

The California Historical Society suffered the loss of a valued friend with the death of George T. Cameron on October third of this year. He was for many years a sustaining and patron member and always responded when a specific appeal was made having relation to the Society's welfare.

During the forty years that I have been active in the newspaper profession, I have been intimately acquainted with the San Francisco *Chronicle's* publisher. I knew him in political life, for in all governmental affairs he always took a keen interest. I attended with him many newspaper gatherings—meetings of the American Newspaper Publishers Association, the Associated Press, and groups of San Francisco Bay newspaper publishers who met to discuss problems of community interest.

Mr. Cameron was the son-in-law of M. H. de Young, one of the early founders of the *Chronicle*, which was a small dramatic sheet before it became one of the country's great dailies. No publisher had a wider acquaintance than Mr. Cameron among newspaper executives throughout the United States and many parts of the world. Since 1924 I have attended many national political conventions where he was present and his voice was potent. I know of no greater tribute that could be paid George T. Cameron than to speak of him as a most kindly man who was frequently referred to as "Uncle George," a term of genuine endearment.

Mr. Cameron was a most charitable man, unostentatious in his gifts. It would be difficult, and probably impossible, to name the charities and individuals whom he has so generously helped.

While he was a distinguished publisher, probably the major part of his activities centered in industrial enterprises, for he was a keen business man. He was well known in California's oil development, in the cement industry, and, when television first became commercially important, Mr. Cameron was quick to acquire an interest in one of the early television stations. He sensed the future of television before it was recognized by many others.

With Mrs. Cameron he was continually engaged in activities that would make San Francisco a city of culture, and both were generous patrons of the San Francisco opera.

When there was agitation for a new bridge across San Francisco Bay, Mr. Cameron was one of the first to see its possibilities. He worked with the Hoover-Young group and later, in 1932, served as one of the four members of the financial advisory committee, two from each side of the bay, who were sent to Washington to obtain from the Reconstruction Finance Corporation a loan of $62,000,000 for the construction of San Francisco-Oakland bay bridge. I had the pleasure of serving on this committee with Mr. Cameron, and both of us lived to see the bridge a great success; in fact, the Reconstruction Finance Corporation admitted that it was one of the soundest ventures which they had supported. Cameron was also interested in rapid transit for San Francisco and made many suggestions, dealing with subways, which may at some future time be placed in operation. No movement for the betterment of San Francisco was ever promoted, and its soundness determined, without his interest and aid.

One always found George Cameron a staunch and loyal friend, a man of the highest principles, charitable to the extreme, and a man whose family life always set an example. He will be missed among the leaders of San Francisco and California, as he possessed leadership himself of a high order and held the confidence of a large group. His life was a most useful one, extending to an age* that few men are privileged to enjoy, with his faculties unimpaired, his energies continuing to the last.

J. R. KNOWLAND

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*George Toland Cameron was born on March 16, 1873, at Red Bluff, California, son of James Strong and Augusta (Gerke) Cameron. His marriage to Miss Helen Margaret de Young took place on November 30, 1908.

MONROE E. DEUTSCH

The sudden death of Monroe Deutsch on October 21, 1955, has left a void, since he was a leader both in academic and community circles within the state and in affairs beyond its borders.

Dr. Deutsch, son of Michael and Ida (Lilienfeld) Deutsch, was born on August 17, 1879, and entered the University of California with the class of 1902, a product of the San Francisco schools. He took his M.A. in 1903, and his Ph.D. in classical studies in 1911, meanwhile acting as head of the classical department in the Berkeley High School, teaching at the University of California and in summer sessions at other institutions, and pursuing his studies abroad. He was made a full professor of Latin at the university in 1922, and served also as dean of the college of letters and science until, in 1930, he was appointed vice-president, and in 1931 vice-president and provost. This office he held until he retired in 1947. All these are just statistics.

His scholarship was recognized by the learned societies in his field, but his interests were broad, as was shown by his participation in the work of the National Conference of Christians and Jews and his presence on advisory councils of Chinese universities, including membership on the board of overseers of California College in China; by helping the World Student Service Fund; by carrying the burden of the presidency of the World Affairs Council of Northern California from 1947 to 1951; and by joining in the work of the American Association for the United Nations. Foreign governments—France, Chile, and Denmark—decorated him for his services in furthering international relations. Nearer home, his membership in the California Historical Society, which he joined a decade ago, is evidence of his loyalty to his native state and to the work of the Society in applying accredited methods to its history.

In considering Monroe Deutsch's life, we must immediately think of the thousands of students he helped to make their lives more creative. One of the things recently said about him is that there were times in his academic career when he represented the "conscience" of the university. By that is typified respect for his scholarship, for his judgment, and for his sensitiveness toward spiritual values—a sensitiveness which he communicated to everyone who had the blessings of contact with him.

Dr. Deutsch is survived by his wife, Alice Lois Feder Deutsch, to whom he was married on August 30, 1906.

EMMA M. (MRS. ALFRED) MCLAUGHLIN

ROBERT L. McWILLIAMS

Devoted service to the law and his fellow men filled the long and useful life of Robert L. McWilliams. By birth (March 27, 1881) an Iowan, by choice a Californian, he passed to his reward in San Francisco on October 24, 1955, at the age of seventy-four.

The year of the great earthquake and fire, 1906, he received his doctorate in jurisprudence at the University of California. For a few years he served the city of Spokane, Washington, as assistant city attorney, and assistant district attorney; then he devoted himself to the practice of the law in San Farncisco. For nearly a decade he taught law at both the Hastings Law School (1920-28) and at the San Francisco Law School (1920-39), of the latter of which he was dean from 1923 to 1939. Future judges were his students. His gentleness of spirit inspired them.

He became a judge of the superior court in 1939, and in 1945-46 was its presiding officer. He was still a judge of the court on the day of his death.

Judge McWilliams was a deeply religious man, tolerant and compassionate; no better choice could have been made for the chairmanship (1947-48) of the National Conference of Christians and Jews. Some five years later (1953) he acted as co-chairman of the committee on judicial ethics of the California Conference of Judges. In the performance of his own duties, fairness and righteousness were as natural to him as his daily habits.

Robert McWilliams was, in a sense, an inconspicuous man. His life, like his temperament, was mild. There were no glamorous incidents to make front-page publicity. He made no blatant charges against any man to curry public attention. Nor did he assume picturesque or striking poses to catch the eye—a not-uncommon technique of the ambitious.

The judge was an honestly simple man—practicing law straightforwardly, teaching soundly and well, and judging justly and faithfully in the sight of God. He will not soon be forgotten by the many who loved, honored, and respected him.

Surviving Judge McWilliams are his wife, Lucy Sullivan McWilliams; a daughter, Mrs. Helen Fitzgerald of Los Angeles; and two brothers—Frank and Justin McWilliams of Spokane.

LOUIS E. GOODMAN,
United States District Judge

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September 15 to December 1, 1955

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NOTES ON AUTHORS IN THIS ISSUE:

Great-grandfather of ROBERT BARTLETT HAAS (B.A., Univ. Calif.; M.A., Univ. Chicago; Ph.D., Stanford Univ.) was Charles Haas, jeweler and watchmaker, who, emigrating from Germany in 1848, settled first in San Francisco and moved later to Stockton, where the family still owns the business, now 105 years old. On his maternal side, Mr. Haas is descended from William Chauncey Bartlett. The latter came to California in 1860 as a Congregational missionary; subsequently he entered the newspaper field, becoming one of the San Francisco *Bulletin's* editors; he was also a contributor to, and part-time editor of, the *Overland Monthly*. Mr. Haas, head of education extension at the University of California, Los Angeles, has written for a wide range of publications, including a "Checklist of the Published and Unpublished Writing of Gertrude Stein." During the fall of 1952 and spring of 1953, he was U. S. exchange specialist in Bremen, Germany, where he lectured in the German language and carried on community work.

ROBERT E. HUFFMAN (B.F.A. and M.A., Ohio State Univ.; Ph.D., Western Reserve Univ.) is teaching English at Stockton College, having previously taught at the University of Omaha and at San Jose State College. Papers by Mr. Huffman on the different phases of pictorial representation may be found in recent editions (since 1950) of *School Arts, Everyday Art, The Art Journal,* and the *California Teacher's Association Journal.*

STUART W. HYDE (B.A., Univ. Calif. Los Angeles; M.A. and Ph.D., Stanford Univ.) is instructor in the department of speech and drama at Stanford University. In January 1956 he goes to the University of Southern California, where he has been appointed an assistant professor in the telecommunications department.

CHARLES MORLEY (B.A., Ohio State Univ.; M.A. and Ph.D., Univ. of Wisconsin) spent one year of study in Warsaw as a Kosciuszko Foundation Scholar. He has taught at the universities of North Dakota, Nebraska, and Wisconsin, and in 1944 joined the faculty of Ohio State University, where he is associate professor of history. Mr. Morley's published work includes *Guide to Research in Russian History.*

ANDREW FOREST MUIR (B.A. and M.A., Rice Institute, Houston, Texas; Ph.D., Univ. Texas) has taught in Texas, Hawaii, and Puerto Rico. While so engaged, the results of his various researches have been appearing in such publications as the *Annual Report* of the Hawaiian Historical Society, the *British Columbia Historical Quarterly*, the *Historical Magazine of the Protestan Episcopal Church*, the *Journal of Southern History*, and the *Southwest Review.*

For a biographical note on W. BARCLAY STEPHENS, M.D., see p. 92 in the March 1948 issue of the QUARTERLY, when the Society published his "Hermann Wenzel and His Air Clock."

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